

SYKES DEPO

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2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 NICOLE PHILLIPS, Individually and on  
5 behalf of BP and SP, minors;  
6 FABIAN MENDOZA-VACA, Individually and on  
7 behalf of MM and VM, minors; DINA CHECK,  
Individually and on behalf of MC, a minor;

Plaintiff,

8 -against- 12-cv-98 (WFK)(LB)

9  
10 CITY OF NEW YORK; ERIC T. SCHNEIDERMAN,  
in his Official Capacity as Attorney General,  
State of New York; NIRAV R. SHAH, in his  
11 Official Capacity as Commission, New York  
State Department of Health;

12 Defendants.

13 -----X

14 100 Church Street  
New York, New York 10007

15 May 14th, 2014  
16 10:31 a.m.

17

18 DEPOSITION OF JULIA SYKES, a Non-party  
19 witness herein, taken by the Plaintiff,  
20 pursuant to Article 31 of the Civil Practice  
Law & Rules of Testimony, and Notice, held at  
21 the above-mentioned time and place, before  
22 JENNIFER CASSELLA, a Notary Public of the  
23 State of New York.

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SYKES DEPO

3 APPEARANCES

4

5 PATRICIA FINN ATTORNEY, P.C.  
6 Attorneys for Plaintiff  
450 Piermont Avenue  
Piermont, New York 10968  
7 BY: PATRICIA FINN, ESQ.  
LOUIS LEUTHAN, ESQ.

8

9 CORPORATION COUNSEL OF THE CITY OF NEW  
YORK  
10 Attorneys for Defendant, City of  
New York  
11 100 Church Street  
New York, New York 10007  
12 BY: ZACHARY W. CARTER, ESQ.

13

14 HON. ERIC T. SCHNEIDERMAN  
Attorney General of the State of  
New York  
15 Attorneys for New York State  
Defendants  
16 120 Broadway  
New York, New York 10271  
17 BY: TODD SPIEGELMAN, ESQ.

18

19 NYC DEPARTMENT OF HEALTH & MENTAL  
HYGIENE  
20 Attorneys for Defendant  
413 East 120th Street, 2nd Floor  
New York, New York, 10035  
21 BY: JORGE MARTINEZ, ESQ.

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1 STIPULATIONS

2 IT IS HEREBY STIPULATED AND AGREED, by and  
3 between the attorneys for the respective  
4 parties hereto, that:

5 All rights provided by the C.P.L.R., and  
6 Part 221 of the Uniform Rules for the Conduct  
7 Page 2

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8 of Depositions, including the right to object  
9 to any question, except as to form, or such  
10 other irregularity that would be waived if  
11 not interposed, or to move to strike any  
12 testimony at this examination is reserved.

13 The failure to object to any question, or  
14 to move to strike any testimony at this  
15 examination, except as to form or other  
16 irregularity shall not be a bar or waiver to  
17 make such motion at, and is reserved to, the  
18 time of trial of this action.

19 An attorney shall not interrupt the  
20 deposition for the purpose of communicating  
21 with the deponent unless all parties consent  
22 or the communication shall be stated clearly  
23 for the record.

24 This deposition shall be sworn to by the  
25 witness being examined before a Notary Public

♀  
1 4  
2 other than the Notary Public before whom this  
3 examination was begun, but the failure to do  
4 so or to return the original of this  
5 deposition to counsel shall not be deemed a  
6 waiver of the rights provided by Rule 3116 of  
7 the C.P.L.R. and shall be controlled thereby.

8 The filing of the original of this  
9 deposition is waived.

10 IT IS FURTHER STIPULATED, that a copy of  
11 this examination shall be furnished to the

SYKES DEPO  
12 attorney for the witness being examined  
13 without charge.

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1 JULIA SYKES 5

2 J-U-L-I-A S-Y-K-E-S, after having first been  
3 duly sworn by a Notary Public of the State of  
4 New York, was examined and testified as  
5 follows:

## 6 EXAMINATION

7 BY MS. ETNN:

8 Q. State your name.

9 please.

A. Julia Sykes.

Q. State your address for the record,  
please.

A. 28-11 Queens Plaza North, Room 402,  
Long Island City 11101.

Q. Good afternoon -- Good morning, Ms. Sykes.

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17 A. Good morning.

18 Q. My name is Patricia Finn. I am the  
19 attorney for the plaintiffs in this matter.  
20 I'm going to ask you a series of questions.  
21 If you don't understand any questions that I  
22 ask or you're confusing -- or I'm confusing  
23 to you, you can simply ask me to restate the  
24 question. If your attorney interjects or  
25 instructs you not to answer, you should then

1 JULIA SYKES

6

2 wait before we continue. All right?

3 A. Yes.

4 Q. Can you state your name and your  
5 title with the City of New York?

6           A. My name is Julia Sykes. I am the  
7 health service coordinator for the Department  
8 of Education.

9 Q. Where is your office located?

10           A. Office of School Health at 28-11  
11       Queens Plaza North, Room 402, Long Island  
12       City.

13 Q. who is your direct supervisor?

14 A. Ava Mopper (phonetic).

15 Q. Ava Mopper?

16 A. Yes, ma'am.

17 Q. Can you tell me how long you've  
18 been working with the City of New York?

19 A. I've been with the City of New York  
20 going on 35 years as of December 1st this

SYKES DEPO

21 year.

22 Q. How long have you been the health  
23 liaison coordinator?

24 A. For the last 20 years.

25 Q. Has your job as the health liaison

1 JULIA SYKES

7

2 -- is that --

3 MR. CARTER: It's health  
4 services coordinator.

5 A. Health services coordinator, yes.

6 Q. Has that always involved the review  
7 of vaccine exemptions?

8 A. That's just part of my job.

9 Q. Can you tell me a little bit about  
10 the other parts of your job?

11 A. I do -- I conduct vision screening  
12 trainings for school staff. I also do  
13 workshops in the areas of immunization, at  
14 one time for TB, any health issues I do staff  
15 development for them.

16 Q. Do you have a medical background?

17 A. No.

18 Q. Can you tell me about your  
19 education and any undergraduate or graduate  
20 studies?

21 A. I have a bachelors degree in  
22 psychology.

23 Q. Where did you get that?

24 A. College of New Rochelle.

25 Q. The screening and the training that  
Page 6

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1 JULIA SYKES 8

2 you provide, you mentioned that sometimes  
3 that involves vaccines?

4 A. No, no, no, not vaccines. It's  
5 vision -- vision screening for the eyes. I  
6 do training for the schools.

7 Q. Do you do eye testing; what do you  
8 do?

9 A. I did at one time. When I first  
10 started with the Department of Education, I  
11 was part of the vision screening team that  
12 went out to the schools to do vision  
13 screenings.

14 Q. On the children?

15 A. Yes.

16 Q. I didn't know if it was the staff.

17 A. No, not staff.

18 Q. And do you use those cards with the  
19 letters?

20 A. The snellen and eye charts, yes.

21 Q. What's it called?

22 A. It's the snellen and eye charts.

23 MR. CARTER: Julia, could I  
24 just ask, make sure you let her  
25 finish the questions so the court

1 JULIA SYKES 9

2 reporter can take it down so you

3 SYKES DEPO  
4 don't overlap. Otherwise, we're  
5 going to drive the court reporter  
crazy.

6 MS. FINN: I talk really slow  
7 too, sorry.

8 Q. How long did you do the eye chart  
9 examination during your 35 years with the  
10 city?

11 A. What do you mean how long?

12 Q. How long were you involved in that  
13 type of training with the eye charts?

14 A. Well, my training is ongoing, I do  
15 ongoing for the school staff.

16 Q. Regarding your screening and  
17 training for the school staff, have you done  
18 any training for the school staff involving  
19 vaccinations or vaccination exemptions?

20 A. Not vaccinations, but I do training  
21 for -- to let them know what the requirements  
22 -- the State and the Chancellor Regulations  
23 requirement is for immunizations.

24 Q. And what are those requirements?

25 A. Well, there's a full set of

1 JULIA SYKES 10

2 requirements for -- depending on what grade  
3 the student is in. Do you want me to give  
4 you a break down of the different vaccines  
5 that are required?

6 Q. Sure.

7 A. For Pre-K and K, there's  
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SYKES DEPO

8 Diphtheria, Polio, MMR, which is Measle,  
9 Mumps and Rubella, Varicella, Hepatitis B.  
10 For Pre-K is the Hib vaccine and the PCV  
11 vaccine. Kindergarten has -- they're not  
12 required to have Hib or the PCV, and for  
13 grades one through twelve, they're required  
14 to have not only those vaccines, but they're  
15 required to have -- grade six through grade  
16 twelve, they're required to have the TDAP  
17 booster vaccine.

18 Q. Where are these vaccine  
19 requirements you just referred to; where are  
20 they located, in the Chancellor's rules?

21 A. They're in Chancellor's Regulations  
22 as well as the State Education Law section  
23 2164.

24 Q. Have you received any legal  
25 training regarding the vaccination

1 JULIA SYKES 11  
2 requirements and the Chancellor's regs, or  
3 the State Education Law 2164?

4 A. I never received legal training.

5 Q. The last time that you did a  
6 training for school staff involving  
7 vaccination requirements for the children,  
8 where did you do that?

9 A. The last one I did was for District  
10 75. It was held at P.S. 35.

11 Q. When did you do that?

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12 A. May 5th, I would say. I think it  
13 was the fifth.

14 Q. And approximately how many of these  
15 types of screenings do you -- I'm sorry,  
16 trainings do you do a year?

17 A. I conduct trainings on an as-needed  
18 basis as I'm asked. So it could be roughly  
19 -- I may do an audience of maybe ten a year.

20 Q. How many schools under your  
21 supervision in the --

22 A. I don't have any schools under my  
23 supervision. I do the whole city. If the  
24 CFN wants to set up a staff development for  
25 their schools, a part of the agenda may be on

1 JULIA SYKES 12  
2 immunization requirements.

3 Q. How many schools are in the City of  
4 New York?

5 A. It's over like 1100, 1200 schools.

6 Q. Twelve hundred?

7 A. Don't quote me on that. I'm not  
8 quite sure the number.

9 Q. So you think it's about 1200?

10 A. Right, maybe more.

11 Q. Is it more than 2,000?

12 A. No.

13 Q. And you do about ten training  
14 sessions a year?

15 A. It could be less, it could be more.

16 Q. But it's approximately ten?  
Page 10

SYKES DEPO

17 A. Yes.

18 Q. Sometimes you're invited to the  
19 schools. Is that what you said?

20 A. No, no, no. I don't go to the  
21 schools. They have one central location that  
22 they bring the school staff to, like  
23 secretaries or school aides or teachers to  
24 come to one central location for the  
25 training, for their staff development.

1 JULIA SYKES

13

2 Q. Where is the central location?

3 A. It's wherever they pick. It could  
4 be anywhere.

5 Q. It's not at your office?

6 A. No.

7 Q. So you would go out to a central  
8 location?

9 A. I would go out to do it, yes.

10 Q. With regard to the May 5th District  
11 75 training, were you invited to do that?

12 A. Yes. Actually, it wasn't May 5th,  
13 it was May 7th. I'm sorry. It was a  
14 wednesday.

15 Q. Do you know who asked you to do  
16 this?

17 A. The coordinator for District 75.

18 Q. Where is that located?

19 A. At 400 1st Avenue.

20 Q. In Manhattan?

SYKES DEPO

21 A. Yes.

22 Q. Did the coordinator tell you why  
23 they wanted your assistance and training?

24 A. Well, it wasn't a training. It was  
25 more of an awareness session. They had

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2 different keynote speakers at this session  
3 and one part of it was immunization  
4 requirements, health concerns.

5 Q. How many people attended this?

6 A. I think it was roughly 60 people.

7 Q. What were the topics discussed at  
8 the District 75 training?

9 A. Excuse me?

10 Q. I'm sorry. What were the topics  
11 discussed, the other topics besides yours on  
12 health?

13 A. Transportation, and I don't really  
14 know because I didn't stay for the whole  
15 training. So I just did my piece and I know  
16 there was -- as I was leaving, the speaker  
17 came out was on transportation.

18 Q. How long did the training session  
19 for District 75 last, if you know?

20 A. It was all day.

21 Q. It was all day. How long was your  
22 training portion?

23 A. It was 45 minutes.

24 Q. Do you remember what time you  
25 spoke?

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2 A. 9:30.

3 Q. Were you one of the first speakers?

4 A. Yes, I was.

5 Q. Were you the first?

6 A. Yes, I was.

7 Q. Do you have an agenda?

8 A. Do I have an agenda?

9 Q. Yes, for the --

10 A. No.

11 Q. Was there an agenda that you know  
12 of?

13 A. Yes, there was.

14 MS. FINN: Can I get that  
15 agenda?

16 MR. CARTER: If I can find  
17 it, yeah, sure. I just ask if you  
18 could send me a letter afterwards  
19 of everything you want. I'll make  
20 notes as we go, but I don't think  
21 that's a problem.

22 Q. So on or about May 7th at 9:30 a.m.  
23 you were asked to give an awareness  
24 discussion at District -- for District 75 and  
25 you spoke about immunizations?

1 JULIA SYKES 16

2 A. Correct.

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3 Q. Can you tell me what you talked  
4 about during that training?

5 A. I spoke about -- I went over the  
6 required vaccines, as well as the new  
7 requirements for the next school year. I  
8 made them aware that although Varicella is a  
9 recommendation for this school year, next  
10 year it will be a requirement for the student  
11 to have two Varicella's instead of one, but  
12 it's going to start at grades K and six and  
13 then it will filter down -- no, I'm sorry,  
14 grade K and five, and then each year they're  
15 going to add on a grade until we catch up  
16 with all the grades. I also spoke about  
17 Polio. It will be, although now it's not --  
18 we do not accept a serology for the Polio  
19 vaccine but there's something, and it's not  
20 finalized yet, that we will be able to accept  
21 serology for the Polio vaccines.

22 Q. Is that new?

23 A. That's very new.

24 Q. When was that added?

25 A. It's not added yet, but it will be

1 JULIA SYKES 17

2 for this school year. They did not finalize  
3 it yet.

4 Q. Who's they?

5 A. It's the Department of Health.

6 Q. Do you know who in the Department  
7 of Health is --

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8           A. Well, they're having different  
9 meetings with the State and the Department of  
10 Health. Actually, we have a meeting tomorrow  
11 about this, how we're going to implement  
12 this.

13           Q. Who's going to attend that meeting  
14 tomorrow?

15           A. Department of Health and the  
16 Department of Education.

17           Q. Do you know the names of the people  
18 that are attending from the Department of  
19 Health and the Department of Education?

20           A. Dr. Plaque (phonetic), Dr. Zucker  
21 (phonetic), the IT people from the Department  
22 of Education, I don't know all of their  
23 names.

24           Q. IT?

25           A. IT, the ones that deal with the

1    18  
JULIA SYKES

2 computer, and myself and people on the staff  
3 from the city registry -- immunization  
4 registry will be attending the meeting as  
5 well.

6           Q. Tell me, what is the immunization  
7 registry?

8           A. The immunization registry is a  
9 computer system that doctors, when they give  
10 a vaccination, they have to report it through  
11 the immunization registry that they gave the

12 SYKES DEPO  
12 vaccine and you know, the date that they gave  
13 the vaccine.

14 Q. Who manages the --

15 A. The Department of Health.

16 Q. Is that --

17 A. Bureau of Immunization.

18 Q. Department of Health Bureau of  
19 Immunization. The immunization registry, is  
20 that a volunteer effort or is that required  
21 by law that a doctor report the vaccines  
22 given to children?

23 A. Well, you would have to ask them if  
24 it's required by law.

25 Q. Okay. How do you -- tell me what

1 JULIA SYKES 19

2 you know about the immunization registry.

3 A. Well, I just -- you know, as I just  
4 said that the doctors are reporting whenever  
5 they give vaccines to a student through the  
6 registry, and most vaccination records are  
7 kept there if the immunization is done here  
8 in New York City.

9 Q. Is the registry only for New York  
10 City or is it a state registry?

11 A. It's my understanding it's a city  
12 registry.

13 Q. Is there any penalty for a doctor  
14 not to report into the registry?

15 A. I have no -- I cannot answer that  
16 question. I don't know.

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17 Q. Is this registry electronic; do you  
18 go on the internet and --

19 A. It's electronic, yes.

20 Q. Do you have a website address for  
21 this registry?

22 A. You have to have access to that,  
23 anyone can't just go into it.

24 Q. Are there any guidelines for  
25 practicing doctors in New York City --

♀  
1 JULIA SYKES 20

2 A. Yeah, they have guidelines.

3 MR. CARTER: You got to let  
4 her finish. You're overlapping and  
5 she's not going to get it down. I'm  
6 sorry.

7 THE WITNESS: I'm sorry.

8 Q. My question was: Are there any  
9 guidelines or procedures for New York City  
10 doctors to comply or utilize this  
11 immunization registry?

12 A. You would have to get that  
13 information from Bureau of Immunization. I  
14 do not know.

15 Q. Do you know who at Bureau of  
16 Immunization --

17 A. You could speak to Dr. Jane Zucker.

18 Q. Have you yourself used the  
19 registry?

20 A. Yes.

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21 Q. what do you -- how do you use the  
22 registry?

23 A. I go in and plug in the students  
24 name and date of birth and see if there's any  
25 immunizations on file in the registry.

1 JULIA SYKES 21

2 Q. And then what do you do with that  
3 information?

4 A. What do I do with the information?

5 Q. Why do you -- I'm sorry --

6 A. Why do I go into it?

7 Q. Thank you. why do you go into it?

8 A. Because there's times when there  
9 may be some vaccinations that are missing and  
10 the registry may have that information. So  
11 we go in, and the schools are able to go in  
12 as well and pull documentation from the  
13 registry because parents may say that they  
14 may have lost their information, and so  
15 they're able to go in and get it.

16 Q. How accurate is the registry data  
17 in your experience?

18 A. Anything that has to do with the  
19 registry, you have to ask the Bureau of  
20 Immunization.

21 Q. Well, you just told me that you go  
22 to draw information about students to compare  
23 with their records, and my question is not to  
24 your Dr. Zucker, it's to you. How accurate  
25 is that information?

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2 A. I assume that the information is  
3 very accurate.

4 Q. Based on your experience, how  
5 accurate is that information you draw down  
6 from the registry, if you know?

7 A. I don't know. I don't question it,  
8 the dates that are on there, because I assume  
9 that they come from the doctors.

10 Q. Do you ever find information on  
11 this registry that is incorrect?

12 A. I have.

13 Q. What have you done in those  
14 circumstances?

15 A. I've contacted the Bureau of  
16 Immunization about it.

17 Q. What do you tell them?

18 A. It's depending on what the issue  
19 was and it hasn't been in awhile, so I really  
20 can't say what problems I found.

21 Q. Well, let's talk about the last  
22 time that you had a problem. You said its  
23 been awhile go, but the last time you had a  
24 problem with the information in the  
25 immunization record -- registry, you said you

1 JULIA SYKES 23

2 reported it to the Board of Immunization?

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3 A. Bureau of Immunization.

4 Q. I'm sorry, Bureau of Immunization.

5 would that be Dr. Zucker again?

6 A. I report it to that office, not  
7 directly to her, but to her office.

8 Q. What did you report to them during  
9 this last instance?

10 A. I can't remember now. I'm not  
11 sure, but I know there was one case where the  
12 date was not -- was off as far as it was  
13 given too soon between the vaccines and when  
14 -- once it was plugged into our ATS system,  
15 it gave us a date error.

16 Q. Did you say ATS system?

17 A. Yes, automate the system --  
18 Automate the Schools, that's what it stands  
19 for.

20 Q. So let me just understand this.

21 You have an immunization registry --

22 A. Uh-huh.

23 Q. -- and then you have an Automate  
24 the school system?

25 A. Yes.

1 JULIA SYKES

24

2 Q. Are they different?

3 A. It's our computerized system. Yes,  
4 they are.

5 Q. Do they both track vaccine records?

6 A. Well, the information that's in ATS  
7 is information that's given from the parent

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8 to the school.

9 Q. You said that it had been awhile  
10 since you had come across a problem with the  
11 immunization registry, that it was awhile  
12 back and involved the date being off.

13 A. Right.

14 Q. Can you tell me how long ago that  
15 was?

16 A. It was last school year.

17 Q. How many kids in the City of New  
18 York are attending these approximate 1200  
19 schools?

20 A. Excuse me?

21 Q. How many children go to school in  
22 New York City; do you know?

23 A. I have no idea. I do not have that  
24 number.

25 Q. But there's approximately 1200

1 JULIA SYKES

25

2 schools, approximately?

3 A. Okay.

4 Q. That is what you said though,  
5 right?

6 A. Yeah.

7 Q. What's the average number of  
8 children in a typical school?

9 A. It depends on the size of the  
10 school. It could be from 500 to -- depends  
11 if it's a high school, there could be 2,000

SYKES DEPO

12 kids in there.

13 Q. Okay. Are you responsible for all  
14 their immunization requirements for all these  
15 children?

16 A. The principal is responsible for  
17 the immunization requirements. However, if a  
18 school runs into a problem, they will contact  
19 my office and we will try to assist them.

20 Q. How many problems do you encounter  
21 a year that you provide assistance to school  
22 officials?

23 A. Every day.

24 Q. Every day?

25 A. There's different issues.

1 JULIA SYKES

26

2 Q. Let's say with vaccines only.

3 A. Oh, I never counted it. It's an  
4 ongoing process. Every day there's something  
5 that comes up and it deals with immunization  
6 or other problems.

7 Q. What are some of the issues with  
8 immunizations that may be brought to your  
9 attention as a potential problem?

10 A. Such as like with the first MMR,  
11 that vaccine may have been given before the  
12 first birthday. We give them a four-day  
13 grace period before the first birthday for  
14 the vaccine to be acceptable.

15 Q. I'm sorry, four days?

16 A. Four-day grace period. Before it

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17 used to be 365 days, now it's 361 days the  
18 student can have that first MMR vaccine.  
19 Sometimes the vaccine is given at nine  
20 months, so the schools will call and say, you  
21 know, this kid has MMR, but I don't  
22 understand why the computer is saying the  
23 child is excludable. So then I would go in  
24 and look at it and then I will let them know  
25 that it was given too soon.

♀  
1 JULIA SYKES 27

2 Q. When the computer says a child is  
3 excludable, are you taking about the ATS  
4 system?

5 A. Yes.

6 Q. And that is available to you and to  
7 the school officials?

8 A. Yes.

9 Q. The ATS?

10 A. They are the ones that keep it  
11 updated.

12 Q. So the ATS gets parent information?

13 A. Yes.

14 Q. And then the ATS is capable based  
15 on that parent information of identifying  
16 which children are excludable?

17 A. Yes, there's rules in there.

18 Q. Is that done electronically?

19 A. What's done electronically, the  
20 rules?

SYKES DEPO

21 Q. Is there an algorithm that the  
22 parent puts in the information into --  
23 A. No, the parent doesn't put anything  
24 in.  
25 Q. Well, the parent provides the

1 JULIA SYKES 28

2 information --

3 A. To the secretary of the school.

4 Q. And then the secretary is  
5 responsibly for entering it into the ATS?

6 A. Yes.

7 Q. Then the ATS may kickback some  
8 report that that individual child is  
9 excludable?

10 A. Yes.

11 Q. Then that is brought to your  
12 attention as a potential problem?

13 A. No, all those are not brought to my  
14 attention, no.

15 Q. The non-resolved ones?

16 A. Just the one's that are  
17 non-resolved, yes.

18 Q. So let's say you get a non-resolved  
19 problem with the child identified as  
20 excludable. It comes to you and you compare  
21 that information with the immunization  
22 registry?

23 A. What I would do is I would look and  
24 see if that date is accurate, yes. I would  
25 go into the CIR to see which date do they

SYKES DEPO

1                   JULIA SYKES                   29

2       have in there. Maybe whoever put in the  
3       information, they may have recorded it  
4       incorrectly, so I go in the CIR to see if the  
5       date is correct.

6       Q.   So the CIR is the doctor  
7       information that New York City doctors are --  
8       we don't know if it's volunteer, right, or  
9       are they required to report vaccines?

10      A.   I know that the Department of  
11     Health clinics are required to put it in  
12     there. As far as every doctor in New York  
13     City, I cannot say that. Private doctors may  
14     not be required to put them in there, but if  
15     they go to the Department of Health free  
16     clinics, yes they do put it in there.

17      Q.   In your experience, how accurate  
18     has that CIR, which would be the computer  
19     immunization registry -- how accurate has  
20     that been?

21      A.   Well, based on what like?

22      Q.   Your day-to-day use of the CIR.  
23     How accurate is the information?

24      A.   I've never found -- well, I can  
25     never say never, but I haven't found too many

1                   JULIA SYKES                   30

2       problems with it except for there was one or

SYKES DEPO

3 two cases where a date may have been off, but  
4 they have a footnote at the bottom because my  
5 understanding is that CIR accepts all  
6 vaccines from doctors, whether they are  
7 invalid or not. But they do put a footnote  
8 on their screen to say that they're, you  
9 know, this vaccine was given too soon.

10 Q. So other than minor issues with  
11 dates, you have not experienced too many  
12 problems --

13 A. No.

14 Q. -- with CIR?

15 A. No.

16 Q. But you're not -- but the only  
17 information required to be reported into this  
18 CIR is from Department of Health clinics,  
19 right, that's what you said?

20 A. Department of Health clinics --  
21 Department of Health free clinics are  
22 required to input this information in the  
23 CIR.

24 Q. But you don't know it --

25 A. However, private doctors, I don't

1 JULIA SYKES 31

2 know if they're required to do that or even  
3 if they're set up to even submit that  
4 information into CIR.

5 Q. So, when you were giving the  
6 District 75 awareness training on May 7th --

7 A. Yes.

SYKES DEPO

8                   Q. -- you indicated that you were  
9                 talking about the Polio serology, a proposal  
10                that it was going to be accepted. Can you  
11                tell me a little bit about that and that  
12                process involved there?

13                   A. Well, to me that's not clear yet.  
14                   I'm not really clear on the process of it,  
15                   but right now we only accept serology for  
16                   Measle, Mumps, Rubella, Hepatitis B and  
17                   Varicella. It was not acceptable for Polio.

18 Q. Do you know why it was not  
19 accepted? Did any doctor, Dr. Zucker or  
20 anyone tell you why?

21                   A.     No, I was always just told it was  
22     not acceptable for those vaccines. I don't  
23     know the reason behind it, no.

24 Q. When you say serology, you mean  
25 titers. right?

1 JULIA SYKES 32

2 A. Blood tests, yes.

3 Q. So a parent in New York City that  
4 can demonstrate a positive serology or a  
5 positive titer to all vaccines except Polio  
6 could get an exemption from this shot?

7               A. It's not an exemption and it's not  
8               for all vaccines. It's only for Measle,  
9               Mumps, Rubella, Hepatitis B and Varicella.  
10          It shows that they have immunity to that  
11          vaccine and then they wouldn't have to get

12 SYKES DEPO  
13 that vaccine. It's not an exemption. It's  
14 not considered an exemption.

15 Q. What is it considered?

16 A. If the child has immunity -- the  
17 child may have built up immunity, antibodies  
18 to those vaccines, because he may have had a  
19 disease at one time or may have had the  
vaccine and built up immunity.

20 Q. So the purpose of your job with  
21 regard to this is to determine a child's  
22 immunity either through serology or proof of  
23 vaccines; is that correct?

24 A. Yes.

25 Q. Is there any other way that one can

1 JULIA SYKES 33

2 demonstrate serology -- immunity?

3 A. No. The doctor will send -- do the  
4 blood test. They will send in the lab report  
5 as well and a note saying that the child has  
6 immunity.

7 Q. Do you review that?

8 A. No, I don't.

9 Q. Who does that?

10 A. It's reviewed by a supervising  
11 medical doctor.

12 Q. A medical doctor? Do you know who?

13 A. At this time it's a Dr. Sheila  
14 Poleski (phonetic).

15 Q. Poleski?

16 A. Uh-huh.

SYKES DEPO

17 Q. What else did you talk about that  
18 day at District 75? You said you talked  
19 about required vaccines, the new requirement  
20 for varicella, the serology. How about the  
21 flu vaccines; did you talk about the flu  
22 mandate?

23 A. No, I did not.

24 Q. Do you have any information you  
25 could -- what do you know about the fly

1 JULIA SYKES 34

2 mandate scheduled for September?

3           A. I know it's going to be a  
4 requirement for the younger students.  
5 However, there's no exclusionary policy  
6 attached to it because parents may opt out of  
7 it, but they're going to be offering the flu  
8 vaccines to elementary schools and that's  
9 through Dr. Jane Zucker's office.

10 Q. Did I understand you said that --  
11 withdrawn.

12                   when is the flu mandate going into  
13                   effect in New York City for the  
14                   pre-schoolers?

15 A. September.

16 Q. September coming up. Did you say  
17 there was an exclusionary rule?

18 A. No.

19 Q. You said there's no exclusion?

**20 A. Right.**

21 Q. So a child can't get an exemption?  
SYKES DEPO  
22 A. No. what it means -- no  
exclusionary means that they're not excluded  
23 from school because they do not have the  
24 vaccine --  
25

1 JULIA SYKES 35  
2

3 Q. Oh, I misunderstood.  
4 A. -- they do not have the flu  
vaccine.

5 Q. So a child attending school -- a  
6 preschooler attending school in September has  
7 a right to refuse that shot?

8 A. The parent has a right.

9 Q. The parent, of course. The rights  
10 of the parents being imputed to the children,  
11 right, or the other way around.

12 MS. FINN: Hold on one  
13 second.

14 A. It is a mandate, however they will  
15 not be excluding the child from school.

16 (whereupon, an off the  
17 record discussion was held at this  
18 time.)

19 Q. You didn't discuss that, the flu  
20 issue?

21 A. No, I didn't.

22 Q. What else did you talk about that  
23 day?

24 A. Vision screening, the requirement  
25 for vision screening.

SYKES DEPO

1                   JULIA SYKES                   36

2                 Q. With respect to your day-to-day  
3                 tasks, do you review requests for exemptions  
4                 for vaccines?

5                 A. Yes, I do.

6                 Q. What are the grounds in New York  
7                 city for an exemption to vaccines?

8                 A. A patient has to write a letter.  
9                 If the parent is requesting a religious  
10               exemption, they have to write a letter  
11               explaining what their religious beliefs are  
12               in their own words. They have to explain the  
13               religious principles behind not getting an  
14               exemption and then if they're opposed to all  
15               vaccines, they must date it. If not, if it's  
16               one particular vaccine, they have to indicate  
17               what the religious principles are behind not  
18               getting that particular vaccine.

19               Q. Are there other reasons, other  
20               grounds for an exemption?

21               A. They can have a medical or  
22               religious exemption.

23               Q. Is that the only reason?

24               A. That's the only ones.

25               Q. What if somebody wants a religious

1                   JULIA SYKES                   37

2                 exemption, but they can't articulate their

3 SYKES DEPO  
religious beliefs in a written statement?

4 A. That's fine. They don't have to,  
5 you know, articulate it. You know, it's not  
6 based -- the review of the religious  
7 exemption is not based on how the parent  
8 words the letter. It just has to be in their  
9 own words. They have to explain in their own  
10 words why they're requesting this exemption.

11 Q. My question to you is: what if they  
12 can't explain it in their own words? What if  
13 they can't write?

14 A. Well, if they can't write, I assume  
15 they would have an interpreter or someone to  
16 write it for them. It has to be in their own  
17 words. They just can't pull it from the  
18 internet.

19 Q. How often do you get exemptions  
20 pulled from the internet?

21 A. A lot.

22 Q. How often do you get the same  
23 statements?

24 A. A lot.

25 Q. Out of the number of -- how many

1 JULIA SYKES 38

2 exemptions -- let's talk about religious  
3 only. How many religious exemption requests  
4 do you review each year?

5 A. Close to maybe 1200 or more.

6 Q. So you get approximately 1200  
7 religious exemption requests a year? How  
Page 32

SYKES DEPO

8 about medical?

9 A. I don't review medical exemptions.

10 Q. Do you know how many the city of  
11 New York gets every year?

12 A. I don't know the number.

13 Q. Do you have an idea?

14 A. The number was high this year. It  
15 may be 500.

16 Q. If it was high -- why was it high?  
17 What was it last year?

18 A. I don't know why it was higher, the  
19 request for exemptions were higher in both  
20 categories this year, because they're still  
21 flooding in now.

22 Q. Flooding in?

23 A. Yeah.

24 Q. Why are they flooding in? Why do  
25 you use that word flooding?

1 JULIA SYKES

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2 A. I shouldn't use the word flooding.  
3 They're coming in record numbers this year.

4 Q. Why is it a record number; what is  
5 different about this year?

6 A. Because this year -- usually in the  
7 past by January or February, you know, it  
8 dies down. But this year, even up until  
9 yesterday I received five of them.

10 Q. How many do you get a day?

11 A. Maybe ten to twenty.

12 Q. So you get -- are we talking  
13 religious -- yes, you said that.

14 A. Religious, yes.

15 Q. Ten to twenty religious exemptions  
16 a day?

17 A. Yeah. And sometimes they're -- the  
18 one's that are coming in are because they're  
19 sending in additional information to me.

20 Q. All right, but let's talk about new  
21 ones. Do you get ten to twenty new religious  
22 exemptions a day?

23 A. Yes, from the beginning of the  
24 school year up until January or February,  
25 yes.

1 JULIA SYKES 40

2 Q. How many of them get approved?

3 A. Most of them do get approved.

4 Q. Do you know what percentage are  
5 rejected?

6 A. Percentage wise, no, I don't.

7 Q. Do you have final authority for  
8 approving or denying an exemption, a  
9 religious exemption?

10 A. What do you mean by final  
11 authority?

12 Q. -- withdrawn.

13 If I'm a parent in New York City  
14 and I want a religious exemption, tell me  
15 what I need to do.

16 A. Okay. The parent writes a letter  
Page 34

SYKES DEPO

17       explaining what their religious beliefs are.  
18       Once the letter comes into my office, before  
19       I read the letter I pull the immunizations,  
20       see if there's any history of immunizations  
21       on file either in ATS or in the CIR before I  
22       read the letter.

23           Q. Hold on. May I ask you, why do you  
24       pull the record before you read the letter?

25           A. Because I don't want to blindly

1    41  
JULIA SYKES

2       read this letter, so I want you know, before  
3       -- I don't want to blindly read the letter  
4       before I have documentation on what the past  
5       history is of this child.

6           Q. How relevant is the past history to  
7       the religious beliefs?

8           A. Because when I read the letter, the  
9       letter should say that although I practiced  
10      immunizations in the past, my beliefs have  
11      changed. I don't want to be bias and look at  
12      the letter first and then look at what was  
13      done in the past and it doesn't say something  
14      in there -- make a reference to immunizations  
15      that they had in the past.

16           Q. So by pulling the record -- and  
17       where are you pulling the record from, ATS --

18           A. I pull it from ATS.

19           Q. -- and CIR?

20           A. Yes, ma'am.

SYKES DEPO

21 Q. So you use both resources?

22 A. Yes.

23 Q. So you get a -- I'm a parent. I  
24 give you a letter for an exemption and before  
25 you read my letter, you go to ATS and CIR.

1 JULIA SYKES

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2 And for what reason do you go to ATS and CIR?

3 A. To see which documentation the  
4 parent submitted to the school when they  
5 first registered, because when they register  
6 for school they had to give proof of  
7 immunizations.

8 Q. What do you do with that  
9 information that you get from CIR and ATS;  
10 what do you do next?

11 A. Once I have the information from  
12 both places, then I read the letter and see  
13 if the parent made any reference to  
14 immunizations within the body of the letter.

15 Q. If they made any references to  
16 previous immunizations, right?

17 A. Right.

18 Q. And what if they didn't do that?

19 A. Then I would send home a letter  
20 requesting additional information from the  
21 parent.

22 Q. What additional information do you  
23 ask for?

24 A. I ask them to explain in their own  
25 words why they're requesting the exemption,

SYKES DEPO

1 JULIA SYKES 43

2 and then the second question is what is your  
3 religious principles, are you opposed to all  
4 immunizations and if not, if it's a  
5 particular vaccine, immunization, what is  
6 your religious principles opposing getting  
7 that vaccine.

8 Q. Have you ever received any letters  
9 from parents that struck you as odd or  
10 potentially negligent?

11 A. No, I don't look at them like that.

12 Q. Well, what if a parent writes to  
13 you and says that they reject Western  
14 medicine?

15 A. Then I would send them an  
16 additional information letter.

17 Q. What if they wrote in the letter  
18 that their children, regardless of how sick  
19 they were or how in need, they would refuse  
20 medical care for religious reasons? What  
21 would you do with a letter like that?

22 A. Well, it has to be based on  
23 religion. Although, they don't have to  
24 belong to a religious organization. The  
25 religious exemption letter has to be based on

1 JULIA SYKES 44

2 religion, so if they put something like that,

3 SYKES DEPO  
that's medical, that's not religion.

4 Q. Well, what if they said -- what if  
5 they were Christian Scientists or let's say a  
6 Jehovah's Witness and -- withdrawn.

7 Let me ask you this: Have you ever  
8 come across a request for a religious  
9 exemption that you were concerned about and  
10 reported to authorities about a potential  
11 negligence or other --

12 A. No.

13 Q. So you get approximately ten to  
14 twenty letters a day, and out of all of those  
15 for the last 25 years never once --

16 A. I haven't reviewed -- I have not  
17 done exemptions for 25 years.

18 Q. How long have you done the  
19 exemptions?

20 A. I've done exemptions for nine  
21 years.

22 Q. That's still a long time. So in the  
23 nine years with all these exemptions, you  
24 never read anything unusual that concerned  
25 you?

1 JULIA SYKES 45

2 A. Well, in the beginning -- in the  
3 very beginning of the request for exemptions,  
4 they had some stuff in there, you know, how  
5 they worship different things and yeah, that  
6 concerned me, but I can't put my opinions  
7 into anything that I read. I have to follow  
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SYKES DEPO

8       the processes in place and I send them a  
9       letter explaining, you know, for them to send  
10      additional information answering those  
11      questions the best they can.

12       Q.   How many of the religious exemption  
13      letters do you get that you approve in the  
14      first instance; what percentage?

15       A.   I don't have the percentage. I  
16      can't give you a percentage.

17       Q.   In your experience, how many of  
18      them are approved without supplemental  
19      information?

20       A.   Maybe half. I can't say the  
21      number, maybe half.

22       Q.   And then out of those that do not  
23      make the first cut, you send them  
24      supplemental information?

25       A.   Yes.

1    46  
JULIA SYKES

2       Q.   Is it the same request to every  
3      family?

4       A.   It's the same form letter, yes.

5       Q.   It's a form letter. And out of  
6      those parents that respond back to you with  
7      supplemental information, how many of those  
8      are approved?

9       A.   Maybe half of those and then the  
10     other half may be denied.

11      Q.   What happens when someone is

SYRES DEPO

13                   A. Then they're sent for an appeal  
14 interview with our supervising -- I mean, CFN  
15 health liaison.

#### Q. what is CFN?

## 17 A. Children First Network.

Q. What is Children First Network?

19                   A. That's what they're calling the  
20 health liaisons within the networks. They  
21 call them -- it's called CFNs, but they're  
22 health liaisons within the networks. Instead  
23 of having districts, they're networks.

24 Q. What is the purpose of this CFN;  
25 what is the CFN? I'm not really clear.

1 JULIA SYKES

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2                   A. They're the health person, the  
3       person responsible for health and other  
4       issues at the network level.

5 Q. Oh, right. I see. Network  
6 district. Okay. I get it now.

7                           So someone who is denied an  
8 exemption, they go for an appeal interview  
9 with the CFN?

**10                          A. Right.**

11 Q. How many CFNs does the city of New  
12 York have; do you know?

13 A. Sixty-two.

14 Q. Sixty-two. And they're located at  
15 the district level, right?

## 16 A. Right.

SYKES DEPO

17           Q.    Do you know how many interviews the  
18        CFNs do a year regarding religious  
19        exemptions?

20           A.    I don't have that number.

21           Q.    Can you approximate? They are  
22        coming from your office, right?

23           A.    The denials are coming from my  
24        office, yes, but I don't have the number.

25           MS. FINN: Can we get some

1    48  
1                   JULIA SYKES

2                   information on those numbers?

3                   MR. CARTER: Put it on your  
4                   letter. I'll consider all these,  
5                   but I need to sit down with the  
6                   client and figure it out.

7                   MS. FINN: And I don't want  
8                   to burden you either, too much.

9                   Q.    So you have sixty-two CFNs that --  
10                  is all they do -- is all the CFN does is  
11                  interview a parent?

12                  A.    No, that's not their only job.

13                  Q.    What are their other --

14                  A.    They may be doing transportation,  
15                  they may be doing safety, they wear a number  
16                  of hats. Health is not their one hat that  
17                  they wear.

18                  Q.    How about regarding interviews with  
19                  parents, out of all of their hats, is the  
20                  only time they ever interview parents is for

21 SYKES DEPO  
a religious exemption?

22 A. I have no idea if that's the only  
23 time they interview parents.

24 Q. Do you do any training with the  
25 CFNs?

1 JULIA SYKES 49

2 A. Yes.

3 Q. And you don't know what else they  
4 do?

5 A. I don't do the training in the  
6 other areas that they work in.

7 Q. So with regard to religious  
8 exemptions and the training of the CFNs --  
9 you say there's sixty-two of them. Have you  
10 met with all sixty-two?

11 A. Yes --

12 Q. How often?

13 A. -- unless there's a new person that  
14 just came on board.

15 Q. How often do you meet with them?

16 A. Once a year, but I talk to them  
17 regularly via e-mail or phone.

18 Q. When you meet once a year, why do  
19 you meet?

20 A. They have a focus meeting not only  
21 on immunization, but on other issues, and  
22 immunization may be one of their topics.

23 Q. During these focus meetings, do you  
24 provide training to the CFNs?

25 A. If they ask for it, yes.  
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SYKES DEPO

1 JULIA SYKES 50

2 Q. Similar to what you described to me  
3 for District 75?

4 A. Right.

5 Q. But do you generally give an  
6 overview or any routine training to the CFNS,  
7 or is it only if they ask for it?

8 A. I give -- in the beginning of the  
9 school year, they have one -- a meeting,  
10 where the new CFNS will come in, personnel  
11 will come in and they have a meeting and it  
12 covers varius topics, and one of them may be  
13 immunizations. However, their cluster  
14 leaders do meet once a month and you know,  
15 it's not only immunizations that they  
16 discuss. They discuss other things as well,  
17 other topics.

18 Q. What's a cluster leader?

19 A. They're the one point person that  
20 instead of all sixty-two health liaisons  
21 attending a meeting, one person is to attend  
22 and bring back the information for the other  
23 liaisons within their network.

24 Q. What training does the CFN get from  
25 the City of New York involving denial or

1 JULIA SYKES 51

2 approval of religious exemptions?

SYKES DEPO

3                   A. Well, they're given an overview of  
4 what the requirements are, the procedure for  
5 a religious exemption, and they're given the  
6 set of five questions that should be asked at  
7 the interview to the parent so they can get a  
8 better understanding of why the parent is  
9 opposing immunizations.

10 Q. What are the overview requirements  
11 that CFNs are given?

#### A. The questions?

13 Q. Well, you said there was an  
14 overview requirement and then procedures.

15               A.    we let them know what the  
16    requirements are -- the immunization  
17    requirements are, what the religious  
18    exemption procedure is they should follow --  
19    that we all follow, and the interview  
20    questions -- and the set of questions they  
21    should ask at the interview.

22 Q. The religious exemption procedure,  
23 is that documented anywhere?

24 A. Yes.

25 Q. Where is that documented?

1 JULIA SYKES

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2 A. It's on our website.

3 Q. Is that a public website?

4 A. Yes.

5 Q. So it's the same information for  
6 the public, what one has to do to get a  
7 religious exemption; it's on your website?

SYKES DEPO

8           A. It's -- no, the process is not on  
9       the website. No, it's not. I'm sorry. The  
10     process is not on the website.

11           Q. Where is it?

12           A. It's given to the schools. It's on  
13     the principal's portal.

14           Q. It's on the principal's portal?

15           A. Yes, ma'am, portal.

16           Q. And that's for the principal only,  
17     right?

18           A. That's for the school, yes.

19           MS. FINN: Chuck, I'd like  
20     that if you haven't given it to me  
21     already.

22           MR. CARTER: I'll look into  
23     that.

24           THE WITNESS: I gave it to  
25     you.

1                             JULIA SYKES                     53

2                             MR. CARTER: You believe it's  
3       in the documents you produced?

4                             THE WITNESS: Yes, I gave it  
5       to you.

6                             MR. CARTER: Okay.

7                             MS. FINN: Okay. Good enough.  
8       I only got them yesterday. Can you  
9       believe that?

10                          MR. CARTER: You got them a  
11     few weeks ago.

12 SYKES DEPO  
13 MS. FINN: No, the mail is  
14 still getting forwarded from Sandy.

15 MR. CARTER: Do you want to  
16 look through and find it?

17 MS. FINN: No, no. I mean,  
18 I've seen all this stuff before.  
19 I'm just kidding. I haven't seen  
20 it, but I will look at it.

21 Q. Okay. So tell me a little bit about  
22 the religious exemption procedures that are  
23 available to principals in their private  
portals.

24 A. The procedure says that if a parent  
25 submits the letter requesting the exemption,

1 JULIA SYKES 54

2 the school is to forward the information to  
3 the CFN health liaison and then it's  
4 forwarded to me. And while it's under  
5 review, the student can remain in school.

6 Q. And when the letter is submitted to  
7 this CFN, what does the CFN do with it?

8 A. They send it to me.

9 Q. So they're just basically a pass  
10 through? They do no --

11 A. Right, because they need to know  
12 because they're responsible for those  
13 schools. So they need to know when a parent  
14 is requesting an exemption, so in case they  
15 have to appeal -- the parent appeals, they  
16 will have that information.

SYKES DEPO

17                   Q. Got it. So a parent submits a  
18 letter, it goes to the CFN basically as pass  
19 through just to keep an eye on whatever, the  
20 things. And then it goes to you and then you  
21 pull out -- you go -- before you read the  
22 letter, to the CIR and the ATS, right?

**23                   A. Right.**

24 Q. And then you do that -- why do you  
25 do that again? why do you go to CIR and ATS?

1 JULIA SYKES 55

2 A. Because I need to see what the  
3 history is of this child.

4 Q. Why does the history of the child  
5 effect the parents religious beliefs?

6                   A. Because I don't want to be biased  
7 when I read the letter and just say -- you  
8 know, I need to see what the -- see if the  
9 parent made any reference to whatever vaccine  
10 the child had.

Q. And if they haven't, it's an automatic denial?

13                   A.     No, I ask for additional  
14     information.

15 Q. And if they have made a reference  
16 to previous vaccines, then that's an  
17 approval?

18                   A.    Most of the time, yes.  It's not a  
19 denial unless the letter -- if they make  
20 reference to it in the letter, and it doesn't

SYKES DEPO  
21 have to be worded this way, but in the past I  
22 practiced immunization, however my views have  
23 changed and they go on to explain that, yes,  
24 it is approved.

25 Q. And if a parent immunized and then

1 JULIA SYKES 56  
2 stopped and doesn't explain that in the  
3 letter, you want supplemental information?

4 A. Right.

5 Q. So let's say that you have a parent  
6 that hasn't discussed their prior vaccination  
7 and you've submitted -- you've requested  
8 supplemental information. What type of  
9 supplemental information do you request?

10 A. They have to answer those four  
11 questions -- the three questions.

12 Q. Tell me what the three questions  
13 are.

14 A. They have to explain in their own  
15 words what their religious beliefs are. They  
16 have to explain the religious principles  
17 behind requesting the exemption and then if  
18 they're opposed to all vaccines -- if they're  
19 opposed to all vaccines and if not, what's  
20 their objections to a particular vaccine.

21 Q. Does it matter to you if a parent  
22 objects to all vaccines or a particular  
23 vaccine; does that make a difference?

24 A. No, it doesn't.

25 Q. Then why do you ask it?  
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SYKES DEPO

1                   JULIA SYKES                   57

2         A. Because that's the questions that  
3         was -- that were prepared by the law office.  
4         I just follow the questions. I don't write  
5         those questions.

6         Q. Do you think it's relevant that --

7         A. Those questions are also used at  
8         the state level as well.

9         Q. Do you think it's relevant if a  
10       parent has an objection -- withdrawn. Let me  
11       restate that.

12               Do you think it's relevant to the  
13       sincerity of a parents religious beliefs  
14       whether or not they object to all vaccines or  
15       one or two in particular; is that relevant in  
16       the decision making?

17         A. No.

18         Q. But you do ask it?

19         A. Yes. The questions are asked, yes.

20         Q. So what do you do with the answer  
21       then if it's not relevant?

22         A. Well, if they answer those  
23       questions the way that it was -- if they  
24       answer those questions, then yes, we do -- it  
25       is relevant.

1                   JULIA SYKES                   58

2         Q. How is it relevant?

SYKES DEPO

3 A. Because if they -- if they've had  
4 vaccines in the past and then now they  
5 stopped, you know, what is the reason behind  
6 that, but if they like -- say for instance we  
7 had a case, the parent got a vaccine in  
8 August of 2013, in October they became --  
9 they submitted a religious exemption.

10 Q. I understand that. But my question  
11 was not about the temporal sequence between,  
12 you know --

13 A. Okay.

14 Q. -- getting a shot in August and  
15 then being born again in October.

16 My question to you is the relevancy  
17 of whether or not someone objects to all  
18 vaccines or a vaccine in particular. That's  
19 what I was asking, and I wanted to know what  
20 relevance or impact does that answer have on  
21 your decision making? If it's none, then  
22 that's the answer. Is it none?

23 A. Umm, yes.

24 Q. It has no impact?

25 A. No.

1 JULIA SYKES

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2 Q. But you do ask it because that is  
3 the procedures set up by the City of New  
4 York?

5 A. That's one of the questions that  
6 they -- right.

7 Q. And that's your job --  
Page 50

SYKES DEPO

8 A. Yes.

9 Q. -- and that's what you're supposed  
10 to do. I understand that.

11 You said there were three questions  
12 and one was all vaccines or a particular  
13 that's in the supplemental. Then you told me  
14 that you ask for an explanation regarding  
15 religious principles.

16 A. Yeah. These are questions that are  
17 laid out from -- that were given -- laid out  
18 in the letter. It's a form letter that's  
19 prepared by our legal services, and these are  
20 the questions that are laid out and we pulled  
21 the questions from the State. It's not like  
22 we just sat around and decided these are the  
23 kind of questions we're going to ask.

24 Q. I know that, and I know that your  
25 office is mindful of the rights of these

1 JULIA SYKES 60

2 parents. That I know for sure.

3 A. Yeah.

4 Q. But I want to ask you though, about  
5 these three questions that are supplemental.  
6 We've discussed that all vaccines or a  
7 particular vaccine, that's not really  
8 relevant to you.

9 Now, I'm asking you about religious  
10 principles. I understand it comes from the  
11 State, but is it relevant to you what the

12 SYKES DEPO  
religious principles are because you're  
13 reviewing it, right?

14 A. Yes, because if a parent -- a  
15 parent most of the time will submit  
16 documentation that has scriptures in it.  
17 However, they don't explain what the  
18 scriptures mean to them, and I look for that.  
19 You know, like they put a list of scriptures,  
20 but if they don't make a notation of what  
21 this scripture means to them --

22 Q. So if a parent explains or  
23 interprets certain religious principles that  
24 are acceptable to you, they get an exemption?

25 A. That are acceptable to me? I don't

1 JULIA SYKES

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2 put my own views into that.

3 Q. Okay. If a parent asserts certain  
4 religious principles --

5 A. Right.

6 Q. -- and they fail to explain or  
7 interpret -- withdrawn.

8 If a parent asserts scripture in  
9 support of religious principles contrary to  
10 vaccinating, if they fail to explain or  
11 interpret that scripture to your  
12 satisfaction, are they denied an exemption?

13 A. To my satisfaction -- they may  
14 explain it in their own words. It doesn't  
15 have to be how I would explain it. I don't  
16 put my own opinion into what I'm reading.

SYKES DEPO

17 Q. I understand.

18 A. I read it to see if the parent puts  
19 a scripture down and to see if they explained  
20 what that scripture means because me reading  
21 it, the scripture may mean something else to  
22 me. So I don't want to put my own opinion  
23 into what I'm reading.

24 Q. May I ask if you practice any  
25 religion?

1 JULIA SYKES

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2 A. Yes, I am -- I'm Christian.

3 Q. And were you trained in Christian  
4 teachings and scripture?

5 MR. CARTER: I'm going to  
6 object to this. I believe this  
7 invades her personal privacy.

8 MS. FINN: I agree. Excuse  
9 me.

10 Can I go to the ladies room, if you  
11 don't mind?

12 MR. CARTER: Five-minute  
13 break?

14 MS. FINN: Yeah. Is that all  
15 right?

16 (Whereupon, a short break  
17 was taken at this time.)

18 Q. So let me just ask you a couple of  
19 background questions, and then I'll get right  
20 back to where we were.

SYKES DEPO

21 A. Uh-huh.

22 Q. Have you done depositions like this  
23 before involving religious exemptions?

24 A. No.

25 Q. Have you ever testified in any

1 JULIA SYKES 63

2 trials regarding your decisions to approve or  
3 deny an exemption?

4 A. No.

5 Q. Have you ever been questioned by  
6 any attorneys?

7 A. No.

8 Q. We were talking about religious  
9 principles, and I want you to tell me a  
10 little bit more about why explaining and  
11 interpreting scripture is important.

12 A. No. They don't have to explain --  
13 putting in a scripture is not important.  
14 However, if they were to put a scripture in a  
15 document, yes, it should say that scripture A  
16 means this to me or...

17 Q. How do you identify what is a  
18 religious principle?

19 A. Well, they would -- they will say  
20 that because of their religious beliefs, you  
21 know, they believe in a higher power or they  
22 would describe what they believe. They  
23 wouldn't just, you know, put because of my  
24 religious beliefs because the state says I  
25 can ask for an exemption.

SYKES DEPO

1 JULIA SYKES 64

2 Q. Do you get that a lot?

3 A. Yeah.

4 Q. I bet you do. But again, my  
5 question is: what is a religious principle?  
6 Give me an example please, of what is a  
7 religious principle.

8 A. They would explain what their  
9 religion means to them. The principles would  
10 be like, this vaccine, you know, is against  
11 what I believe, that the creator or whoever  
12 the creator -- or whatever their beliefs are  
13 -- whatever their beliefs are said they  
14 should oppose -- they shouldn't have, they  
15 shouldn't do.

16 Q. Have you ever received any  
17 religious exemption statements that were  
18 exceptionally well written in your opinion?

19 A. Yeah, I have.

20 Q. What features did those  
21 exceptionally well-written exemptions have?

22 A. Most of the well written ones were  
23 from the internet.

24 Q. I'm sorry, from the internet?

25 A. Yes, yes.

1 JULIA SYKES 65

2 Q. Did you approve those?

SYKES DEPO

3 A. No. I would ask because instead of  
4 the parent when they pulled the letter from  
5 the internet, putting it in their own words,  
6 they would send it the way they are, plug in  
7 their names and I would send a letter asking  
8 for additional information.

9 Q. Isn't it true though, that a  
10 Christian -- say a Catholic -- let's say  
11 Christians, basically share the same  
12 scripture?

13 A. Well, they all should share the  
14 same bible, yes.

15 Q. So therefore, wouldn't it be  
16 reasonable to assume that given the limited  
17 material in the bible, that Christians would  
18 assert similar religious principles, rely on  
19 similar scripture?

20 A. They should.

21 Q. So if ten families who were  
22 Christian rely on the same religious  
23 principles and the same religious scripture,  
24 regardless of where they've gotten it, the  
25 internet, the bible or whatever, would you

1 JULIA SYKES 66

2 reject those?

3 A. Well, very few of them have  
4 scriptures in them, and most of the ones that  
5 come in that do have scriptures in them do  
6 come from the internet. And like I said, I  
7 don't outright reject them. I will ask for  
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SYKES DEPO

8 additional information if they have not -- if  
9 -- once I look at the history of whatever  
10 vaccines that they have is there and have not  
11 addressed those issues.

12 Q. How do you know it doesn't come  
13 from the bible if it's the same scripture?

14 A. How do I know what doesn't come --

15 Q. How do you know that the parents  
16 haven't drawn -- whether the same ten parents  
17 haven't drawn from the bible? How do you  
18 know it's from the internet and not the bible  
19 if it's the same scripture?

20 A. Because the format of the letter is  
21 the same. Most of the letters that I've seen  
22 that are well written like that is the same  
23 letter, it's just that the name changed.

24 Q. Isn't it possible though, that  
25 Christians have the same religious beliefs?

1 JULIA SYKES

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2 A. They should.

3 Q. Isn't it reasonable to assume that  
4 if they share the same religious beliefs,  
5 they would rely on a similar written  
6 statement regardless of its source?

7 A. But it has nothing to do with their  
8 religious organization. It has to do with  
9 what they believe.

10 Q. But isn't the law in New York State  
11 -- or the law in the country is that someone

SYKES DEPO

12 does not have to belong to a religious  
13 organization?

14 A. That's what I just said, yes. They  
15 do not have to belong to a religious  
16 organization. They have to -- it has to be  
17 their own religious beliefs.

18 Q. Do you know how many religions have  
19 be identified in the world --

20 A. No, I don't.

21 Q. -- approximately?

22 A. No.

23 Q. How many different types of  
24 religious beliefs have you reviewed, if you  
25 know, over your nine years?

1 JULIA SYKES 68

2 A. Well, most of the letters do not  
3 state a religion. Lately, there has been  
4 parents that have stated that their Catholic  
5 beliefs do not believe in immunizations.  
6 Those are the only ones that I've seen.

7 Q. Have you ever come across a  
8 religion that you've never heard of?

9 A. Yes.

10 Q. How many times?

11 A. A few times.

12 Q. Then how do you know -- did you  
13 approve or deny those exemptions?

14 A. I would look it up and see what  
15 type of religion it is, what are their  
16 beliefs. I don't know -- and if I'm not  
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SYKES DEPO

17 clear -- if I see a religion that I'm not  
18 familiar with, I look it up and see what type  
19 of religion this is -- what religion it is.

20 Q. Where do you look that up?

21 A. I look it up on the internet.

22 Q. So you go to the internet to get  
23 information regarding religious principles,  
24 but if a --

25 A. Well, not really religious

1 JULIA SYKES 69

2 principles -- to see even if this is a real  
3 religion. I don't look into depth to make a  
4 comparison to what they wrote to -- what  
5 their beliefs are that I found online. I just  
6 want to see if it's a real religion that they  
7 put in their letter because they do not have  
8 to belong to a religious organization, so  
9 they didn't have to put that in their letter.

10 Q. But you go to the internet to  
11 identify whether or not a religion is real?

12 A. Right. If I don't know what it is,  
13 yes.

14 Q. And then if you don't know what it  
15 is, how do you understand what are the  
16 religious principles contrary to vaccinating?

17 A. I don't use it based on their  
18 religion that they belong to. I just base it  
19 on what the parent wrote as far as what their  
20 religious beliefs are. It has nothing to do

21 SYKES DEPO  
with what religion they belong to.

22 Q. Have you ever had anybody tell you  
23 they belonged to a religion and you couldn't  
24 identify whether it truly existed on the  
25 internet?

1 JULIA SYKES 70

2 A. I've had some that I couldn't find.  
3 I didn't base my opinion on -- decision on  
4 what I found on the internet or didn't find  
5 on the internet. I just base it on what the  
6 parent wrote.

7 Q. So if a parent comes to you with a  
8 religion you've never heard of, how do you  
9 know whether or not they're properly  
10 explaining or interpreting the principles  
11 contrary to vaccinating?

12 A. Because I don't use the fact that  
13 they belong to a particular religion because  
14 they don't have to belong to a religion to  
15 have religious beliefs.

16 Q. Okay. And we talked about this a  
17 little bit, in your own words part. What if  
18 someone comes to you and they really cannot  
19 articulate their religious beliefs in their  
20 own words? Do they get denied an exemption?

21 A. No. I will send back a letter  
22 asking them for additional information if I  
23 don't understand what they wrote.

24 Q. And in the additional information  
25 is a statement in your own words, religious

SYKES DEPO

1 JULIA SYKES 71

2 principles and whether or not they object to  
3 all vaccines or particular vaccines; is that  
4 correct?

5 A. That's correct.

6 Q. What type of -- generally, what  
7 type of religious training have you received,  
8 if any?

9 A. What type of religious training I  
10 received? I'm really involved in the church.

11 Q. Are you?

12 A. Yes, I am.

13 MR. CARTER: I'm sorry. That  
14 may not -- you meant training in  
15 connection with her job? In other  
16 words, not her personal --

17 MS. FINN: I meant with her  
18 job, but --

19 A. Not with my job, no. I have none.

20 Q. But I'm involved with my church too  
21 so. I did mean with your job.

22 A. No, none.

23 Q. Do you know anyone in -- any of  
24 these CFNs or any of your direct supervisors  
25 that have had any specific training regarding

1 JULIA SYKES 72

2 religion and the granting or denying of

SYKES DEPO

3 exemptions?

4 A. No.

5 Q. Have you ever asked for training?

6 A. No.

7 Q. And how does the City of New York  
8 qualify an individual to make these types of  
9 determinations?

10 A. Well, I guess you just have to be  
11 able to read the documents that are before  
12 you. There's no specific training that you  
13 have to have, you just have know that they do  
14 not have to belong to a religion to request  
15 an exemption. And if the letter -- if they  
16 explain what their beliefs are answering  
17 those questions, it's given.

18 Q. Have you ever come across anyone --  
19 any of these CFNs that exhibit religious bias  
20 or intolerance?

21 A. No.

22 Q. So out of these sixty-two people,  
23 these sixty-two CFNs at these network levels,  
24 how do you know they're qualified to  
25 determine religious principles contrary to

1 JULIA SYKES

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2 vaccinating; how do you know that?

3 A. I don't know that and I don't  
4 believe that they have to have any religious  
5 training in order to ask a question.

6 Q. How about if they're exhibiting  
7 racial -- religious intolerance or some kind

SYKES DEPO

8 of bigotry towards religion or something like  
9 that? Do you have any methodology or  
10 procedure for identifying that and dealing  
11 with it?

12 A. No.

13 Q. Has it ever come up?

14 A. No.

15 Q. You had stated previously that an  
16 individual does not have to be a member of a  
17 particular religion.

18 A. Right.

19 Q. Do you remember reviewing a  
20 religious exemption for little Mary Check?  
21 That's the reason we're here today.

22 A. About two years ago, yeah.

23 Q. Do you remember making a statement  
24 or submitting an affidavit in connection with  
25 that litigation?

1 JULIA SYKES 74

2 A. Yes.

3 Q. What do you know about the Catholic  
4 diocese here in New York City and they're  
5 view on vaccines?

6 A. It's my understanding that the  
7 Catholics do believe in immunizations --  
8 Catholic schools require immunizations.

9 Q. Does that in any way effect your  
10 decision to grant or deny Mary Check's  
11 immunization exemption?

SYKES DEPO  
12 A. No, because I didn't look at her  
13 religion. No, I didn't.

14 MS. FINN: One second,  
15 please.

16 Q. Where did you get your information  
17 regarding the dioceses views on vaccines and  
18 Catholicism?

19                   A. Well, I received a phone call from  
20 one of the head -- one of the head of the  
21 Catholic schools whose' parent was requesting  
22 -- they had a child in Catholic school and  
23 one in public school and she was requesting  
24 an exemption from immunizations, and he  
25 stated that they do believe in immunization

1 JULIA SYKES 75

2 and if this is something that she's pushing,  
3 that she would not be able to get whatever  
4 percentage of her tuition, and then Mary just  
5 went away. I don't know what happened to  
6 her.

7 Q. Well, how did that effect your  
8 decision making with regard to Mary Check?

9 A. It had nothing to do with that.

10 Q. The diocese position in New York  
11 City that you just stated had absolutely  
12 nothing to do with your denial of Mary  
13 Check's exemption?

14                   A.     No. The Catholic schools -- my  
15     understanding from the conversation that I  
16     had with him was that they do require

SYKES DEPO

17 immunizations. That was the only thing, but I  
18 never looked at the Checks' case as far as  
19 being a Catholic, you know -- being a  
20 Catholic. I just looked at in the beginning,  
21 the parent did not request a religious  
22 exemption, she requested a medical exemption.

23 Q. Who did you speak to in the  
24 dioceses, if you can tell me?

25 A. I don't know. It was quite a few

1 JULIA SYKES 76

2 years ago and it was way before this case.

3 Q. How long ago?

4 A. It was a head of a Catholic sch  
5 It may have been six years ago. I really  
6 don't know.

7 Q. How do you know that person was  
8 correct in what they told you?

9 A. I don't know. I didn't question  
10 him. he was questioning me.

11 Q. But you relied upon that in your  
12 determination to deny Mary the exemption?

13                   A.    No. I did not rely on it to deny  
14 Mary because Mary was not the student that  
15 was in question. The student that was in  
16 question, the parent just withdrew everything  
17 and she just -- I don't know what happened to  
18 this parent.

19 Q. I have a copy of your affidavit,  
20 the declaration of Julia Sykes in opposition

21 SYKES DEPO  
in the plaintiff's motion for preliminary  
22 injunction regarding Mary's case.

23 A. Right.

24 Q. And in paragraph nine on page  
25 three --

1 JULIA SYKES 77

2 MS. FINN: Chuck, do you want  
3 me to mark this or -- I mean it's  
4 part of the pleadings.

5 MR. CARTER: Yeah, I think  
6 you can just refer to it.

7 Q. I was wondering, if you could be so  
8 kind, could you just read paragraph nine for  
9 me because I want to question you about that  
10 and your determination with Mary?

11 A. In reviewing her submission, I did  
12 not discern a genuine and sincere religious  
13 impetus to her objections. Rather her  
14 objections appear philosophical and moral.  
15 She did not assert that the tenets of  
16 Catholicism prohibits immunizations and it is  
17 my understanding that all New York City  
18 public schools require immunization in the  
19 normal course.

20 Q. Can I have that back, please?  
21 Was that statement in any way based  
22 upon that communication you had with the  
23 person you mentioned a few years back from  
24 the Catholic school?

25 A. It had nothing to do -- I never  
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SYKES DEPO

1                   JULIA SYKES                   78

2     even thought about the man from the Catholic  
3     school. No, because I deal with -- well,  
4     private schools will contact me as well as  
5     our public schools, although I refer them to  
6     Bureau of Immunization for a determination.

7       Q. If Mr. and Mrs. Check had asserted  
8     tenets of Catholicism that prohibit  
9     immunization, would you have granted the  
10    exemption?

11      A. My -- no, not for this case because  
12     my decision was based on the fact that she --  
13     first she requested a medical and then she  
14     went for religious, and then I sent her a  
15     letter requesting additional information for  
16     this child. And then she went for the  
17     interview and the overall decision was based  
18     on the documentation that was submitted from  
19     the interview.

20       Q. In reviewing Mary's request for an  
21     exemption, did you go to the CIR and the ATS?

22       A. ATS, yes.

23       Q. Did you have a hard copy file of  
24     Mary's records?

25       A. Yes, yes. Well, I pull them for

1                   JULIA SYKES                   79

2     everybody. I can't say that there was

3 SYKES DEPO  
something for her in there because that was  
4 so long ago.

5 Q. She was young too so I would  
6 imagine as the children get older their files  
7 get bigger, right?

8 A. Well, it would get bigger. It  
9 would have documentation from when she was a  
10 baby.

11 Q. Right, yeah. So you don't remember  
12 though?

13 A. I don't recall that, no.

14 Q. But when you review a request for  
15 exemption, you definitely go to the CIR, you  
16 definitely go to the ATS?

17 A. Right.

18 Q. And do you get a hard copy file?

19 A. I print it, yes.

20 Q. Oh, I see, you print. And it's  
21 your testimony that Mrs. Check first made a  
22 request for a medical exemption and that was  
23 denied; is that your testimony?

24 A. Yes.

25 Q. And then because she followed up

1 JULIA SYKES 80

2 with the religious exemption --

3 A. Two days later, yes, she did.

4 Q. -- is that why her religious  
5 exemption was denied?

6 A. No, it wasn't denied initially. I  
7 asked for additional information from her and  
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SYKES DEPO

8       then based on that information it was denied,  
9       and then she went for an appeal, but she  
10      never appealed the medical exemption which  
11      she had an opportunity to do at the time that  
12      it was denied.

13           Q. Yes, I remember that. I remember  
14      that well.

15           So, did you know that little Mary  
16      Check had been in school for two years in the  
17      City of New York prior to your denial of the  
18      exemption?

19           A. No.

20           Q. Did you know that little Mary had  
21      obtained a religious exemption prior to that  
22      application for the medical exemption from  
23      the school she was attending?

24           A. Well, I believe that she was  
25      attending a private preschool. It wasn't a

1    81  
2       JULIA SYKES  
2       public school.

3           Q. Do you know if the Chancellor's  
4      Regulations apply to public and private  
5      schools?

6           A. No, only public schools.

7           Q. How about the State reg, 2164, does  
8      that apply --

9           A. It applies to all schools.

10          Q. So was Mary, if you know, compliant  
11      with the State Health Law in --

SYKES DEPO

12 A. At the private school?

13 Q. Yeah.

14 A. I have no idea.

15 Q. Do you know how it is that a child  
16 can attend school in New York City in one  
17 school with a valid religious exemption and  
18 then be deemed not to have sincere religious  
19 beliefs; do you know how that could happen?

20 A. Well, if it was a private school --  
21 although they came from a private school with  
22 an approval, however they do their approval  
23 process, when they come into our schools they  
24 would still have to go through the New York  
25 City public school process. Now, if they

1 JULIA SYKES 82

2 come from another public school, then it  
3 carries on to the next public school.

4 Q. Does it matter to you that Mary had  
5 a religious exemption from the private school  
6 prior to your review?

7 A. No, because that is irrelevant, no.

8 Q. But you did testify though, that  
9 the religious exemption was denied or  
10 questioned, right?

11 A. Okay.

12 Q. Because she had at first asked for  
13 a medical exemption and that was denied?

14 A. From the public schools, yeah.

15 Q. So if a parent makes an application  
16 for a medical exemption and then follows up

SYKES DEPO

17 with the religious exemption, is that an  
18 automatic red flag?

19 A. Yes.

20 Q. And if a parent has an objection,  
21 or if a parent gets a vaccine in August and  
22 then asserts her religious exemption in  
23 October, is that a red flag?

24 A. Yes, it is.

25 Q. Does that occur even in advance --

1 JULIA SYKES 83

2 before you review their religious beliefs, do  
3 you make that kind of determination before or  
4 after you look at the religious exemption  
5 statement?

6                   A. Well, I look and see -- I look at  
7       the record first before I read the letter. I  
8       don't read the letter first and then look for  
9       the documentation. I get all documentation  
10      together before I even attempt to read that  
11      letter.

12 Q. Have you ever received any  
13 complaints that any of the CFNs were abusive  
14 or intolerant to parents during their  
15 interviews?

16 A. I received one. Yeah, I did.

17 well, I didn't receive it personally, but it  
18 was -- there was a complaint. We went for a  
19 hearing with that -- well, it wasn't a  
20 hearing but we went with City Counsel on

SYKES DEPO

21 that, yes.

22 Q. Was there a stenographer present  
23 during that?

24 A. No.

25 Q. Were there attorneys present?

1 JULIA SYKES

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2 A. No.

3 Q. Was the parent present?

4 A. No.

5 Q. What was the purpose of the  
6 meeting?

7 A. Well, they wanted to ask what our  
8 procedure was, how -- to ask questions about  
9 our procedure like we're doing now.

10 Q. Tell me more about that. You got a  
11 complaint -- when did you get the complaint?

12 A. That was -- we went to -- last June  
13 -- July. I'm sorry, last July. The person's  
14 not there anymore, but -- the CFN person.

15 The parent said that she was not very nice to  
16 her.

17 Q. Just not nice?

18 A. Yeah, she didn't -- it wasn't  
19 nothing -- yeah.

20 Q. Did she say anything that the  
21 person was intolerant to their religious  
22 beliefs or just not a nice person?

23 A. No, she was just not nice.

24 Q. How was she not nice; do you know?

25 A. I have no idea. I wasn't there.  
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SYKES DEPO

1 JULIA SYKES 85

2 Q. What happened to that CFN person?

3 A. She left and went on to another  
4 job.

5 Q. Do you have any procedures in place  
6 for reviewing the decision making processes  
7 of these CFNs at these levels?

8 A. No.

9 Q. Do you ever try to match a CFN with  
10 a parent based on religion?

11 A. No, because the CFN is responsible  
12 for a cluster of schools and if it's just  
13 their schools then we can't switch them to  
14 another CFN.

15 Q. In your affidavit, you indicate  
16 that Mrs. Check did not assert that the  
17 tenets of Catholicism prohibit immunizations,  
18 and it is in my understanding that all New  
19 York City Catholic schools require  
20 immunization in the normal course.

21 A. That's true.

22 Q. What are the tenets of Catholicism  
23 that you would have accepted from Mrs. Check?

24 A. It would have to be something on  
25 the Catholic stationary explaining what their

1 JULIA SYKES 86

2 beliefs are.

SYKES DEPO

3 Q. I'm not asking about beliefs. I'm  
4 asking about tenets.

5 A. Or what their tenets are.

6 Q. Do you -- and I mean this  
7 respectfully, do you understand the  
8 difference between a belief and a tenet?

9 A. No, I don't.

10 Q. In New York State, under an  
11 interpretation of 2164 is a case called  
12 Sharon Levy versus North Port. Have you ever  
13 read that case?

14 A. No.

15 Q. In Sharon Levy, the Courts talked  
16 about personal religious beliefs.

17 A. Okay.

18 Q. Have you gotten any training at all  
19 with regard to what is a personal religious  
20 belief versus a tenet?

21 A. No.

22 Q. And you don't know what that is,  
23 right?

24 A. No.

25 Q. But it is the law in New York State

1 JULIA SYKES

87

2 --

3 A. For me to have training?

4 Q. No.

5 A. Oh.

6 Q. That an individual does not have to  
7 be a member of a particular faith that has

SYKES DEPO

8 tenets --

9 A. Right, I know that.

10 Q. But you don't know what a tenet is?

11 A. Right. They don't have to belong  
12 to a particular faith -- religion, right.

13 Q. If I was a Christian Scientist,  
14 which we -- do you know that Christian  
15 Scientists --

16 A. Yeah, they don't believe in  
17 immunizations.

18 MR. CARTER: Again, you have  
19 to let her finish the questions so  
20 she can hear that.

21 THE WITNESS: I'm sorry.

22 MS. FINN: I think it's me,  
23 the way I ask them. I'm sorry.

24 Q. So you know that Christian  
25 Scientists have tenets contrary to

1 JULIA SYKES 88

2 vaccination. Do Christian Scientists  
3 automatically get exemptions?

4 A. Yes.

5 Q. So although you don't know what a  
6 tenet is, if someone is a member of a church  
7 with a tenet contrary to vaccinating, you  
8 grant an exemption?

9 A. Yes, because the Catholics --  
10 unless there's different sects of the  
11 Catholic religion, they do believe in

12 SYKES DEPO  
immunization. There may be some that don't.  
13 Maybe they don't practice all of that  
14 religion.

15 Q. But weren't you -- were you aware  
16 that in New York State you can hold tenets --  
17 you can have personal religious beliefs in  
18 the tenets of Christian Science without  
19 actually being a member of that faith and be  
20 entitled to the exemption; do you understand  
21 that?

22 MR. CARTER: Can I have that  
23 read back?

24 (Whereupon, a portion of the  
25 testimony was read back.)

1 JULIA SYKES 89

2 MR. CARTER: I want to note  
3 an objection to form on that. I  
4 just don't think I -- if she  
5 understands it she can answer it,  
6 but I don't think I do.

7 A. No, I don't.

8 Q. Did you know in New York State that  
9 you can hold the same beliefs as a Christian  
10 Scientist in opposition of vaccinations and  
11 not necessarily be a Christian Scientist, and  
12 entitled to an exemption?

13 MR. CARTER: I want to note  
14 just a continuing objection. I  
15 won't interrupt again but --

16 MS. FINN: Yes.  
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SYKES DEPO

17                   MR. CARTER: -- you're asking  
18                   questions in which you're asserting  
19                   what the state of the law --

20                   MS. FINN: Yes. Yes, I am.

21                   MR. CARTER: -- is, and I  
22                   really think that's unfair.

23                   MS. FINN: I will -- no, no.  
24                   I'm going to withdraw it. Don't  
25                   even answer it because I'm going to

1                   JULIA SYKES                   90

2                   reframe it -- withdrawn.

3                   Q. Let me just narrow this down and  
4 draw back.

5                   Do you know what a tenet is in  
6 Catholicism?

7                   A. It's their practices or their  
8 beliefs within that -- in that religion.

9                   Q. Do you know what a personal  
10 religious belief is?

11                  A. Yeah, a person believes -- that  
12 they personally believe this is against what  
13 they believe. They don't believe in --  
14 because of whatever religious -- it's what  
15 they personally believe is that -- they  
16 believe in a certain thing and it's not what  
17 they're -- it could be different from  
18 whatever religion they're in, but this is  
19 something they personally -- their religious  
20 beliefs are. Their beliefs -- their beliefs

21 are.

SYKES DEPO

22 MS. FINN: Excuse me one

23 second.

24 Q. Can you explain -- you said here in  
25 the affidavit in paragraph nine: In reviewing

1 JULIA SYKES

91

2 Mrs. Check's submissions, you did not discern  
3 a genuine and sincere religious impetus to  
4 her objection. Rather her objection appeared  
5 philosophical and moral.

6 Can you explain to me the  
7 difference between a philosophical belief and  
8 a religious belief?

9 A. Well, a philosophical means that,  
10 you know, it could be referred to -- I read  
11 something, an article and I believe that this  
12 article is stating I shouldn't do something,  
13 that it's against what I do or they read --  
14 or someday -- or something they hearsay --  
15 it's like a hearsay. Someone told them --  
16 expressed to them something and they believed  
17 it. It's not religious in nature.

18 Q. What is a belief that is religious  
19 in nature versus philosophical?

20 A. Philosophical -- well, like I said,  
21 philosophical is if I was talking -- say for  
22 example I was talking to my girlfriend, and  
23 she says that all vaccines are bad and you  
24 shouldn't do that. And the other one is --  
25 religion is if this is something that I

SYKES DEPO

1                   JULIA SYKES                   92

2     believe, solely believe within my heart that  
3     it's again, what I was, you know, either  
4     taught or that I believe. You know, it's  
5     their beliefs.

6       Q. Isn't it true though that Mrs.  
7     Check wrote a three-page paper -- three-page  
8     -- two-page statement? Did you believe that  
9     her statement was in her own words?

10      A. I can't say at this time because I  
11     read it two years ago.

12                  MS. FINN: May I show your  
13                 client?

14                  MR. CARTER: Yeah, of course.  
15                 Counsel, is this the one  
16                 that's undated? Oh, actually, we  
17                 have bates numbers.

18                 This is an unbated two-page letter.  
19                 It has the bates stamps, NYC 199  
20                 and 200.

21       Q. Why don't you take a minute to look  
22     that over?

23                  MR. CARTER: While she's  
24                 looking at that, can we go off the  
25                 record?

1                   JULIA SYKES                   93

2                  MS. FINN: Sure.

3 SYKES DEPO  
4 (whereupon, an off the  
5 record discussion was held at this  
time.)

6 MS. FINN: What was the last  
7 question?

8 MR. CARTER: She was just  
9 reading the document.

10 (Whereupon, a portion of the  
11 testimony was read back.)

12 Q. Do you believe that to be Mrs.  
13 Check's own words?

14 A. Some of it is and some of it isn't.  
15 I've seen parts of this document in form  
16 letters.

17 Q. Can you show me or read to me  
18 what --

19 A. The part that -- here it said, on  
20 balance of recommended vaccines, most are  
21 cultivated from DNA and RNA from animals  
22 like monkeys and chickens. Also the  
23 statement -- oh. As it is, it is my  
24 conscious to oppose vaccines that are  
25 deprived from aborted fetal cell lines.

1 JULIA SYKES 94

2 That's -- there's some parts in here that  
3 come from the internet -- come from form  
4 letters.

5 Q. Do you have sample form letters  
6 that you use to --

7 A. I don't have sample form letters,  
Page 80

SYKES DEPO

8 but I review them so much that I know when  
9 I'm reading the same letter.

10 Q. Can I have the letter back?

11 So you think some of it is her own  
12 words, but some of it is from the internet?

13                  A.     From a letter she may have found,  
14                  yes.

15 Q. But you don't know that for sure?

16 A. No, I don't know that for sure.

17           Q. So this statement: On balance of  
18       the recommended vaccine, most are cultivated  
19       DNA and RNA from animals like monkeys and  
20       chickens. Do you believe that sentence to be  
21       from a form letter?

22 A. It's from an internet source, yes.

23 Q. Do you know the internet source?

24 A. They -- against vaccines or it's --  
25 parents against vaccines. There's -- you

1 JULIA SYKES 95

2 know when you google something like that it  
3 comes up.

4 Q. So if anyone submits a request for  
5 a religious exemption, a written statement to  
6 your office that has this statement in it,  
7 what effect does that have on your decision?

8               A. I send them the letter that says  
9 requesting additional information because  
10 that's not -- they don't have proof to back  
11 up that statement.

12 Q. So is that, in your opinion, a  
13 truthful statement, or is it incorrect that  
14 most --

15 A. I believe it's incorrect.

16 Q. So you believe it. Do you know  
17 whether or not vaccines contain the DNA and  
18 RNA of monkeys and chickens?

19 A. I don't think they do.

20 Q. But you don't know?

21 A. No, I don't know for sure.

22 Q. What if you were told by Dr. Zucker  
23 that they do? Would that change your opinion  
24 of Dina Check's letter?

25 A. Yes.

1 JULIA SYKES 96

2 Q. So if you were to be given  
3 information from, say Dr. Zucker or some  
4 other doctor that vaccines contain the DNA  
5 and the RNA from monkeys and chickens, that  
6 would change your view of this letter?

7 A. Yes.

8 Q. Have you ever read what's on the  
9 insert of a vaccine? Have you ever read  
10 what's in the ingredients in vaccines?

11 A. No, I haven't.

12 Q. You've never looked at the  
13 ingredients?

14 A. No.

15 Q. Is that why it doesn't matter to  
16 you whether or not people object to all

SYKES DEPO

17 vaccines or particular vaccines; is that why?

18                   A. No. They just have to -- right,  
19 because they just have to state that they  
20 don't -- they're opposed to all vaccines or a  
21 particular vaccine.

22 Q. So you've never read a vaccine  
23 insert?

24 A. I've never bothered to look and see  
25 what the insert said, no.

JILLIA SYKES 97

2 Q. And you don't know if it has this  
3 -- withdrawn. You've already answered that

4 How about aborted fetal cells; do  
5 you know if any vaccines contain aborted  
6 fetal cells?

7           A. I had questioned that one time. I  
8        sent it to the Bureau of Immunization because  
9        a parent had put -- they said they do use  
10      some cells from fetuses, like maybe the  
11      afterbirth from parents or whatever. It was  
12      -- I've asked that question, yes.

13 Q. Does a person who objects to, say  
14 abortion as a basis for avoiding vaccines, is  
15 that --

16                   A.     But they have to indicate which  
17     vaccines and they have to -- you know, they  
18     just can't say -- so if they say of aborted  
19     vaccines and they don't say what particular  
20     vaccines it is, because it's not all vaccines

SYKES DEPO  
21 that -- they have to explain more. It  
22 doesn't automatically -- they don't  
23 automatically get a denial.

24 Q. I get that. I understand. But you  
25 don't know what vaccines have aborted cells

♀  
1 JULIA SYKES 98  
2 in them either, do you?

3 A. I've asked.

4 Q. Do you know?

5 A. I think it was Varicella.

6 Q. How about Rubella and Hepatitis; do  
7 you know if they contain aborted fetal cells?

8 A. No, I don't.

9 Q. What if I told you they did? Would  
10 that change your opinion on this letter?

11 A. I would go to another -- before I  
12 would make a decision on that letter, I would  
13 ask the question if this is true or not, yes.

14 Q. Ask the question from the --

15 A. Bureau of Immunization.

16 Q. How about the internet; would you  
17 go on the internet?

18 A. No, I would not go on the internet.

19 Q. How about the CDC website; have you  
20 ever gone on the CDC website for information  
21 regarding ingredients in vaccines?

22 A. No.

23 Q. So if a parent had a vaccine in  
24 August and then objected to a vaccine in  
25 October, a particular vaccine that contained

SYKES DEPO

1                   JULIA SYKES                   99

2       aborted fetal cells was the only reason --

3           A. Well, that wasn't the reason that  
4       that was denied.

5           Q. I know that. But if that was their  
6       only reason, how would you be able to  
7       determine whether or not that's sincere or  
8       not?

9           A. Well, if their religious beliefs is  
10      against abortion and it's that vaccine that  
11      has that aborted fetal cells in it, then I  
12      would contact Bureau of Immunization to see  
13      if this is a viable exemption request.

14          Q. In Mrs. Check's letter, when you  
15      reviewed it, did she fail to explain and  
16      interpret her religious principles contrary  
17      to vaccines?

18          A. Well, with the Check case it was a  
19      little different. I also knew that she had  
20      requested a medical exemption and then two  
21      days later she requested a religious  
22      exemption. So all of that was taken into  
23      account before I sent her a letter to deny  
24      it, and sent her for the appeal interview for  
25      her to give additional information at that

1                   JULIA SYKES                   100

2       appeal interview.

SYKES DEPO

3 Q. But you did testify that you  
4 weren't aware that the child had been in  
5 school for two years with a religious  
6 exemption in a private school.

7 A. Right, but that was a private  
8 school. I was not aware of that, no.

9 Q. But you did not know that?

10 A. No, I didn't.

11 Q. And it wasn't in the CIR and it  
12 wasn't in the AT --

13 A. Private schools do not have ATS.

14 Q. Okay. So you get the Check  
15 exemption and you don't have any data in the  
16 CIR, right? You don't have any data in ATS  
17 because this is a new kid?

18 A. I don't recall because even though  
19 it's a new kid, it wouldn't be in ATS.  
20 However, it would be in the CIR and I don't  
21 recall that this child had anything in either  
22 one. I would of had to have looked that up.  
23 I don't recall that.

24 Q. Did you read her letter?

25 A. I read the letter.

1 JULIA SYKES 101

2 Q. And then it was an automatic red  
3 flag because of the proceeding medical  
4 exemption?

5 A. Right, and she had an opportunity  
6 at that time to appeal the medical exemption.

7 Q. Do you understand -- tell me what  
Page 86

SYKES DEPO

8 you know about that medical request that the  
9 Checks' made. what do you know about that  
10 process?

11 A. what the process is?

12 Q. No. What do you know about the  
13 process related to Mary Check's medical  
14 exemption request?

15 A. I know that it was reviewed by our  
16 supervising medical doctor who denied it and  
17 then once it was denied, it was sent to me  
18 and I sent a letter to the parent.

19 Q. Do you know if Mrs. Check made that  
20 application for the medical exemption or was  
21 it somebody else?

22 A. I assume that she made it, the  
23 exemption. It was signed by a parent.

24 Q. Were you aware that --

25 A. There was a signature there. I

1 JULIA SYKES 102

2 don't know if it was the parent or not.  
3 There was a signature there.

4 Q. Were you aware that there was a mix  
5 up with that paperwork with the medical  
6 exemption? Were you aware -- did you have  
7 any information?

8 A. No.

9 Q. Did you know that the school nurse  
10 had actually made the request for a medical  
11 exemption by mistake?

12 SYKES DEPO  
A. And whose' doctor filled it out?

13 No, I was not aware.

14 Q. So even though there's some facts  
15 here to suggest this application was not made  
16 by Mrs. Check and it was made by mistake,  
17 automatic red flag because of the medical  
18 exemption, right?

19 A. I was not aware that someone else  
20 made the request for an exemption.

21 Q. There was an application -- there  
22 was information provided to the public school  
23 regarding Mary's health conditions for 501  
24 plan -- is it 501 or --

25 A. 504.

1 JULIA SYKES 103

2 Q. 504, sorry. And that information --  
3 never mind -- withdrawn.

4 So is there anywhere in this letter  
5 that you can point out to me where Mrs. Check  
6 describes her religious principles, if you  
7 don't mind, to your satisfaction that are  
8 contrary to vaccinating; is there anything in  
9 that entire letter?

10 A. That describes -- repeat that. I'm  
11 sorry.

12 Q. Is there anything in that letter  
13 you can point to that adequately describes  
14 Mrs. Check's religious principles contrary to  
15 vaccinating?

16 A. No. She states in here: In this  
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SYKES DEPO

17 letter, I am requesting this religious  
18 exemption because it's our strong belief that  
19 all vaccines are made in violation of God's  
20 word. I was baptized in the Catholic church  
21 and through my spiritual journey and  
22 religious beliefs, I am definitely against  
23 vaccines based on the foundation of  
24 Catholicism. That's the only -- right there.  
25 Her beliefs are right there, but based on --

♀  
1 JULIA SYKES 104

2 Q. Let me see. Where is that?

3 Is that what you would refer to as  
4 an explanation of the religious principles?

5 A. Uh-huh.

6 Q. And that was not acceptable to you?

7 A. And then once I read down further  
8 -- I don't have -- I don't know the whole  
9 document, everything else that was with this  
10 letter. Because like I stated earlier, I do  
11 look at the whole -- the whole picture. I  
12 don't look at just the letter. I look at if  
13 there's any proof of immunizations on file.  
14 I don't recall if there were. And I know  
15 that the parent did request a medical  
16 exemption which was denied and she had an  
17 opportunity, ten school days from the date of  
18 that letter to submit -- to appeal the  
19 medical exemption, which she did not. She  
20 chose to go the religious route.

SYKES DEPO  
MS. FINN: Excuse me.  
Q. With respect to the paragraph: I am requesting this religious exemption because it is our strong belief that all vaccines are made in violation of God's word. I was

1 JULIA SYKES 105  
2 baptized in the Catholic church and through  
3 my spiritual journey and religious beliefs, I  
4 am definitely against vaccinations based on a  
5 foundation against Catholicism.

6 Is it your opinion that that is an  
7 adequate explanation of religious principles  
8 contrary to vaccinating?

9 A. That's part of it, yes.

10 Q. Just this statement, is that what  
11 you would consider?

## 12 A. Right.

13           Q.    So Mrs. Check provided you that  
14       statement that was acceptable and you still  
15       declined her exemption?

16 A. And then I read on -- read the  
17 whole letter. I didn't just stop there.

18 Q. What about the rest of the letter;  
19 did she contradict --

20           A. Like I said before, I looked at the  
21 whole picture. I didn't look at just her  
22 letter, that statement. I read the whole  
23 letter in its entirety.

24 Q. Okay. I'm sorry. I'm referring  
25 just to the four corners of this document. I

SYKES DEPO

1 JULIA SYKES 106

2 know you looked at other stuff.

3 A. That would have answered one of the  
4 questions, but what is her religious  
5 principles opposing the exemptions -- I mean  
6 the vaccines.

7 Q. What is it in this letter that is  
8 contravening to that statement, because now  
9 you're telling me that statement was good  
10 enough, right?

11 A. I didn't say it was good enough.

12 Q. I'm sorry. I didn't meant to --

13 A. Yes, that answers one of the  
14 questions: Explain in your only words why  
15 you're requesting the exemption. However,  
16 she still has to answer the other three  
17 questions and then when I looked at all of  
18 the documentation that was submitted for this  
19 child, there was -- it wasn't enough.

20 Q. I understand that. I'm just right  
21 now talking about this statement that is  
22 required.

23 A. Right. That's one of the questions  
24 -- that answers one of the questions, yes.

25 Q. So because Mary had, or you thought

1 JULIA SYKES 107

2 Mary had made a medical exemption, she goes

3 SYKES DEPO  
4 into the rejection mode or the red flag  
5 simply because of the medical exemption; is  
6 that correct?

7 A. Yes.

8 Q. In this red flag area, you send out  
9 the supplemental questions, the three of  
them?

10 A. Right.

11 Q. That is in your own words  
12 describing religious principles, and it is an  
13 objection to all vaccinations or a particular  
14 vaccine?

15 A. Uh-huh.

16 Q. You've already told me that the  
17 third question, all vaccines and particulars  
18 doesn't really matter.

19 A. They have to give you the religious  
20 principles behind those vaccines.

21 Q. Okay. But regarding question number  
22 three -- I just want to be clear. You said  
23 it doesn't really matter. You said it had no  
24 impact. So we're only dealing with two  
25 issues here then, whether it's in your own

1 JULIA SYKES 108

2 words, which it was, right? Do you doubt this  
3 is in Mrs. Check's words?

4 A. I don't doubt she didn't write it.

5 Q. And then you've identified in  
6 paragraph two on the first page a religious  
7 principle explaining why she -- a religious

SYKES DEPO

8 principle that is contrary to vaccinating,  
9 right? Isn't that what you just told me?

10 A. Right. This (pointing) would  
11 answer the first question, yes.

12 Q. What other questions matter?

13 A. Well, they all matter. She has to  
14 answer all three questions and then when you  
15 go down in this letter, some information  
16 that's in here, there's nothing to support  
17 what she has in this letter.

18 Q. Where in the rest of the letter  
19 does she contravene that statement here in  
20 paragraph two that you've identified as a  
21 valid -- I'm sorry -- withdrawn.

22 You did not say valid.

23 A. I didn't say that.

24 Q. I'm so sorry. That you identified  
25 as a religious principle. Forgive me. You did

1 JULIA SYKES 109

2 not say valid. I'm sorry.

3 But tell me where -- but we did  
4 agree that this paragraph is a religious  
5 principle contrary to vaccinating and it's  
6 explained, that's question two. So where in  
7 this document is that statement contravened?  
8 where does she contradict that, if you know?

9 A. Well, in here she puts this  
10 statement and then she didn't expound on it,  
11 like this would have been -- would have

SYKES DEPO

12 answered one of the questions in here, but as  
13 I read the whole letter she went on somewhere  
14 else.

15 Q. Let me ask you a question. If  
16 someone gives you a religious exemption  
17 statement seeking an immunization waiver,  
18 right, and they talk about medicine, does  
19 that send up a red flag to you?

## 20 A. They talk about medicine?

21 Q. Yeah, medical reasons for avoiding  
22 vaccines.

23                   A. well, then I would refer -- I would  
24                 send them a letter telling them that they  
25                 should request a medical exemption.

1 JULIA SYKES 110

2 Q. Well, what if they have both? What  
3 if a person has both religious and medical  
4 reasons for avoiding vaccines?

5           A.    We usually don't grant both. It's  
6   not usually granted both medical and  
7   religious. It's either or, medical or  
8   religious.

9 Q. It's either or? Can a person have  
10 both?

11 A. Can they have both?

12 Q. Yeah.

13 A. No, we never granted both.

14 Q. You have never granted anyone both  
15 a medical or religious exemption?

16 A. For one person, no.

SYKES DEPO

17 Q. Is it possible that a person has a  
18 medical and a religious reason for avoiding  
19 vaccines?

20               A. Either it's their religious beliefs  
21       or it's a medical reason why they can't get  
22       the vaccine.

23 Q. It can't be both?

24                   A. I don't see why -- no. I may be  
25 wrong, but no.

JULIA SYKES

2 Q. Isn't religion and medicine often  
3 intertwined?

4 A. No.

5 Q. Did you ever go to a hospital and  
6 see the chapel?

7                   A. I've seen chapels in there, yes,  
8 because they have the chapel there for those  
9 people that want to go in to pray.

10 Q. Do you know why Christian  
11 Scientists have tenets contrary to  
12 vaccinating; do you know why?

13 A. No, I don't. why?

14 Q. Because they believe God is -- that  
15 people are cured through prayer. That's  
16 their beliefs. But you would grant an  
17 exemption to a Christian Scientist, right?

18 A. They don't believe in  
19 immunizations, yes.

20 Q. Because they believe prayer cures.

SYKES DEPO

21 Did you know that?

22 A. Yeah, I know they pray. Yes, they  
23 do. We all do.

24 Q. But did you know that the tenet is  
25 that prayer -- is what cures an individual?

1 JULIA SYKES 112

2 A. Right, but to grant an exemption,  
3 they do not have to belong to a religious  
4 organization. So I don't even take that -- I  
5 don't even look at that that they -- or even  
6 if they write a letter stating that I belong  
7 to a Christian Science church, they still  
8 have to explain what their beliefs are. I  
9 don't just outright just say okay, granted.  
10 They put in detail what their beliefs are.

11 Q. Well, actually you testified  
12 earlier that you automatically grant  
13 exemptions for Christian Scientists.

14 A. Well, I should clear that up.

15 Q. That's okay.

16 A. When a Christian Science letter  
17 comes in saying they belong to a Christian  
18 Science religion, the letter just can't say I  
19 belong to a Christian Science church.  
20 Because although you may belong to a -- or  
21 any religion, it doesn't mean that you  
22 believe everything that's being taught in  
23 that religion. So they have to explain --  
24 just like everybody else, they have to  
25 explain what their religious beliefs are.

SYKES DEPO

1 JULIA SYKES 113

2 They just can't say I belong to a Christian  
3 Science church because then everybody would  
4 say that.

5 Q. Do a lot of people say that?

6 A. No, I don't get that many.

7 Q. You don't get many. Out of the few  
8 that -- or out of the number that you have  
9 received, you indicated that even if they say  
10 they're Christian Scientists they still have  
11 to explain?

12 A. They have to explain what their  
13 beliefs are, yes.

14 Q. Has anybody ever explained the  
15 tenets of Christian Science in their written  
16 statement to you?

17 A. Well, they don't put in tenets --  
18 they don't use the word tenets, but they put  
19 in what their beliefs are.

20 Q. Then how did you not know what the  
21 tenet of Christian Science is? Whether they  
22 use that word or not, you told me you didn't  
23 know what it was. I told you it was prayer.

24 A. What I'm saying is, even though if  
25 the letter comes in and says they belong to a

1 JULIA SYKES 114

2 Christian Science church, I will send them a

3 SYKES DEPO  
letter asking them for additional  
4 information.

5 Q. That's not what you said. You said  
6 you automatically approve them. But let's  
7 assume you get one that throws up a red flag,  
8 one of the red flags you identified --

9 A. I would send home a letter asking  
10 for additional information.

11 Q. Even for a Christian Scientist?

12 A. Yes.

13 Q. Okay. So in the additional  
14 information, has anybody ever explained to  
15 you why Christian Science refuses vaccines?

16 A. They have not stated that it is  
17 because of Christian Science. They put in  
18 there it's their religious beliefs. They do  
19 not put in that it was just Christian  
20 science.

21 Q. Do you know any other religions  
22 that have tenets contrary to the practice of  
23 vaccinating?

24 A. Israelites.

25 Q. How about Rastafarian?

1 JULIA SYKES 115

2 A. I've seen a few of those.

3 Q. Do those religions --

4 A. I send them also an additional  
5 information letter. They just can't put on  
6 paper that they belong to this religion.

7 Q. Well, what if they write they're  
Page 98

SYKES DEPO

8 Rastafarian and explain their beliefs, do  
9 they still get a supplemental letter with  
10 three questions?

11 A. If they explain what their beliefs  
12 are -- before I look at the letter to pull  
13 and see what the history of this child is, if  
14 they have no vaccines and I look at their  
15 letter and they explain what their beliefs  
16 are, yes, it is granted.

17 Q. So if a person has never had any  
18 vaccines for their children, do you send them  
19 supplemental -- a request for supplemental  
20 information?

21 A. Ninety-eight percent of the time,  
22 yes. If they have not explained in their  
23 first letter what their beliefs are, yes. If  
24 they have, then no.

25 Q. Let me restate that.

1 JULIA SYKES 116

2 If a parent submits an exemption  
3 request to you and their children have never  
4 been vaccinated, you still send them the  
5 supplemental information?

6 A. If the letter does not explain what  
7 their beliefs are, yes. If not, no.

8 Q. Got it. Okay.

9 MS. FINN: Excuse me one  
10 second. Just give me one minute,  
11 please.

SYKES DEPO

12 Q. I just have a few more questions  
13 and they're specific to Mary Check. Okay?

14 A. Okay.

15 Q. Can you tell me, presumably in  
16 Mary's case she got a supplemental request  
17 for information and you denied that, right?

18 A. Right.

19 Q. Is that a yes? I'm sorry.

20 A. I believe I did. I'm not sure.

21 Q. Do you want to look at your  
22 documents, because this is everything related  
23 to your affidavit and I just want to make  
24 sure you're clear because I want to question  
25 you a little bit about that CFN and then

♀

1 JULIA SYKES

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2 we'll finish up.

3 MR. CARTER: Can I just  
4 clarify something? I think in her  
5 affidavit she's also referring to  
6 documents that were attached to  
7 your complaints. If I'm not  
8 mistaken, I think her affidavit  
9 only included additional documents  
10 so she would have to see both to  
11 get the full record.

12 MS. FINN: Okay.

13 Q. So in Mrs. Check's case, you sent  
14 her a request for supplemental information?

15 A. Right.

16 Q. And that contained the three  
Page 100

SYKES DEPO

17 questions, right?

18 A. Right.

19 Q. And then you denied that?

20 A. Yes.

21 Q. And why did you deny that?

22 A. Because it wasn't enough

23 information, so I needed her to go in for a  
24 one-on-one interview with the CFN so we can  
25 get a better understanding of the request.

1 JULIA SYKES

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2 Q. Did you deny it because she had  
3 made a medical exemption first?

4           A. Well, at that time when they -- I  
5         looked at the whole picture before I denied  
6         it, yes, and then I sent her to appeal -- for  
7         the appeal interview. Well, I didn't send  
8         her, but I told her she can request an appeal  
9         interview.

10 Q. And tell me about that process.

## 11 What happens in the appeal interview?

12           A. Well, at the appeal interview, they  
13 sit down with the CFN health liaison and  
14 answer a series of questions. At one time it  
15 was six questions, now we cut it down to five  
16 questions that are asked of the parent,  
17 giving the parent an opportunity to submit  
18 additional -- give them additional supporting  
19 documentation.

20 MS. FINN: Did you provide me

21 SYKES DEPO  
with those five questions,  
22 Counselor; do you know?  
23 MR. CARTER: Yeah, sure.  
24 MS. FINN: You did. Okay.  
25 Q. What are the five questions, if you

1 JULIA SYKES 119

2 know?  
3 A. I don't know them off the top of my  
4 head.

5 MS. FINN: Could you look and  
6 see if you could find the five  
7 questions?

8 Q. So when a parent is sent to a CFN  
9 for an interview --

10 A. Uh-huh.

11 Q. -- there are five questions asked.  
12 Do you review the answers to those questions?

13 A. Yes.

14 Q. Have you ever had a recommendation  
15 from a CFN that a parent holds sincere  
16 religious beliefs, but you nonetheless  
17 declined that request?

18 A. Yes.

19 Q. Does that happen a lot?

20 A. No.

21 Q. How often has that happened?

22 A. It happened once.

23 Q. So in one particular instance you  
24 had a CFN at the network level interview a  
25 parent, recommended a religious exemption be

SYKES DEPO

1                   JULIA SYKES                 120

2   granted, but yet you denied that?

3                   A.   Right.

4                   Q.   And why did you deny it?

5                   A.   Because once I read the information  
6   that was -- the answers to the questions, it  
7   was not enough information and the CFN,  
8   although we take in account their  
9   recommendations, the final decision is made  
10   at our office.

11                  Q.   So what is the purpose of the CFNs  
12   interview?

13                  A.   So that they can get a better  
14   understanding of what the parents objection  
15   is to immunization, a one-on-one meeting with  
16   the parent and for the parent to -- at that  
17   time to give any other documents to support  
18   the objections.

19                  Q.   Does the CFN determine  
20   credibility of the parent?

21                  A.   No. They just write -- they answer  
22   the questions and then they write up what  
23   transpired -- they're supposed to write up  
24   what transpired at the meeting and then they  
25   send all documentation, and then when all the

1                   JULIA SYKES                 121

2   documents come in then the whole package is

SYKES DEPO

3 reviewed again.

4 Q. Who is assessing sincerity of the  
5 religious beliefs; who assesses that?

6 A. Well, the assessment comes from my  
7 office through me and I read everything over  
8 again.

9 Q. Does the -- is the interview held  
10 to assess the sincerity of the parents and  
11 their religious beliefs?

12 A. No, it gives the parents an  
13 opportunity to have a one-on-one meeting with  
14 that person so they can get a better  
15 understanding, not to assess them because  
16 they don't know if it's a real exemption  
17 request or not. Just to ask the questions  
18 and see the sincerity of it, yes.

19 Q. Well, how could an interviewer, a  
20 CFN interviewer not know if something is  
21 sincere or not? Isn't that the purpose of  
22 the CFN interview?

23 A. The purpose of the CFN interview is  
24 to give them the additional questions to ask  
25 the parent because those questions are not

♀  
1 JULIA SYKES 122

2 given to the parent ahead of time. Although,  
3 I know the questions are out there and the  
4 office has given them to the parent.

5 Q. So who in this complex network is  
6 assessing the credibility of the parent? How  
7 do you know they're telling the truth?

SYKES DEPO

8           A. Well, they're not looking at the  
9 parent to see if they're telling the truth.  
10 They want the parent to come in and to answer  
11 those five questions and to explain what  
12 they're beliefs are, and then they write it  
13 up and send it in. They don't sit there to  
14 judge the parent.

15 Q. what if they're lying; who's  
16 judging them?

17                   A.    Well, we don't know if they're  
18       lying or not.

19 Q. So then how do you know if they're  
20 sincere?

21           A. Well, we don't know that when their  
22 writing the letters either.

23 Q. Isn't an exemption under state law  
24 allowable based on a sincere religious  
25 belief?

1 JULIA SYKES 123

2 A. Yes, that's what the state law says.

3 Q. But you don't know if -- you have  
4 no methodology for determining sincerity?

5           A. No. we don't know if they're  
6 sincere or not. We just -- it's based on  
7 what they wrote and we're -- we can't judge  
8 what they wrote.

9 Q. So how many exemptions did your  
10 office issue last year, if you recall?

11 A. I don't have the number, but I can

SYKES DEPO

12 get you that number.

13 Q. Just approximately, do you  
14 remember? I'm just curious.

15 A. I don't remember because I didn't  
16 count them.

17 Q. Was it more than a hundred?

18 A. Oh, it's more than a hundred, yes.

19 Q. So out of those exemptions, you  
20 have no idea?

21 A. I don't have the number.

22 Q. Forget the number. Out of the  
23 exemptions that you granted last year, you  
24 have no idea whether they were based on  
25 sincere religious beliefs or not?

1 JULIA SYKES

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2 A. Well, if the parents explained what  
3 their religious beliefs are, I'm sure they  
4 were sincere in what they believe. It may  
5 not be what someone else may believe, but if  
6 they wrote it, they're sincere in what they  
7 believe.

8 Q. How do you know they're not lying?

9 A. I don't know.

10 Q. Then how do you know they're  
11 sincere?

12 A. I don't know if they're sincere and  
13 I don't know if they're not lying.

14 Q. So out of the hundred plus  
15 exemptions that your office granted last  
16 year, you don't know if they were sincere or

SYKES DEPO

17 not?

18 A. No, but they answered the  
19 questions.

20 Q. So if you answer the questions to  
21 your satisfaction, you get an exemption?

22 A. If they answer the questions as put  
23 before them, yes.

24 Q. And you have no method or no way to  
25 determine whether or not they're lying or

1 JULIA SYKES 125

2 telling the truth?

3 A. No, I don't.

4 MS. FINN: I have no further  
5 questions, and I thank you kindly.  
6 I appreciate it.

7 MR. CARTER: Hang on one  
8 second.

9 Can we go off the record for a  
10 second?

11 (Whereupon, an off the  
12 record discussion was held at this  
13 time.)

14 MS. FINN: I would like to  
15 mark this as Plaintiff's 1.

16 (Whereupon, a subpoena was  
17 marked as Plaintiff's Exhibit 1 for  
18 identification.)

19 MR. SPIEGELMAN: Ms. Sykes, I  
20 just have a few questions for you.

21 SYKES DEPO  
22 I'm Todd Spiegelman representing  
23 the State defendants here.

24 CROSS-EXAMINATION

25 BY MR. SPIEGELMAN:

Q. I wanted to discuss the last point

1 JULIA SYKES 126

2 you were talking about with counsel, the  
3 genuineness and the sincerity of religious  
4 belief. You mentioned a couple of procedures  
5 you used in evaluating a religious exemption.

A. Yes.

Q. Would you say checking to see if  
someone had applied for a medical exemption  
just before they applied for a religious  
exemption is a way of evaluating genuineness  
or sincerity?

A. No. I don't check for it because  
they come to me first -- well, they come to  
me once it's approved or denied. They come  
to me and then --

Q. Right. But when you're --

A. -- that's part of the whole  
package.

Q. But when you're looking for red  
flags, are you looking to see whether someone  
is actually sincere?

A. I'm looking to see how they  
answered those questions, yes.

Q. I see. And then you check the  
internet to see if text is taken directly

SYKES DEPO

1                   JULIA SYKES                 127

2     from it. Are you checking whether that  
3     person -- are you checking on the sincerity  
4     of the religious belief?

5     A.   No. When I was given the  
6     responsibility of reviewing religious  
7     exemptions, I was not given any guidelines as  
8     to what I'm looking for. So what I did was,  
9     although internet can be helpful and  
10    sometimes it can be not so helpful, I looked  
11    on there to see what's out there because I  
12    didn't know. So that's why I went to the  
13    internet and I would put in certain things  
14    and it would pop up, the letters would pop up  
15    and parents used those letters. And then  
16    through the course of the years of reviewing  
17    exemptions, I would see those same letters.

18    Q.   Right.

19                   MR. SPIEGELMAN: Those are  
20                   all my questions.

21    CROSS-EXAMINATION

22    BY MR. CARTER:

23    Q.   You testified that there's no  
24    methodology for determining a person's  
25    sincerity. Would you agree sincerity is a

1                   JULIA SYKES                 128

2     deeply personal part of a person's makeup?

SYKES DEPO

3 A. Yes.

4 Q. You also testified about a variety  
5 of procedures you used such as asking them to  
6 answer particular questions.

7 A. Yes.

8 Q. That helps you reach your ultimate  
9 decision?

10 A. It's one of the decision makings,  
11 yes.

12 Q. When you look at what's directed  
13 before you, do you look for consistency in  
14 the answers?

15 A. When I look at the record of  
16 immunizations?

17 Q. No. When you look at the factual  
18 records before you, the answers to the  
19 questions, the initial application, anything  
20 else that's submitted to you, do you look for  
21 consistency of answers in making your  
22 determination? Is that something that helps  
23 you decide?

24 A. I don't compare one exemption to  
25 the other. It's everybody's -- the review of

1 JULIA SYKES 129

2 the record -- the document is individual.  
3 It's not -- you know, I don't base it on what  
4 I may have read for a prior letter.

5 Q. You may have misunderstood me. I  
6 meant when you look at the total package of  
7 one applicant, say Ms. Check.

SYKES DEPO

8 A. Okay.

9 Q. Is consistency of their responses  
10 something you would look for and consider?

11 A. Yes.

12 Q. And if it's inconsistent, does that  
13 raise a red flag?

14 A. Yes.

15 Q. If you see a statement that's  
16 factually incorrect, is that something you  
17 would consider in making your final  
18 determination?

19 A. If it's factually incorrect -- if  
20 there's something that I'm not sure if it's  
21 correct, I will ask another resource if this  
22 is correct or not.

23 Q. I'm going to direct your attention  
24 to Exhibit A. You were shown the letter date  
25 stamped 199, in the second paragraph Mrs.

♀ 1 JULIA SYKES 130

2 Check writes: Quote, I'm requesting this  
3 religious exemption because it is our strong  
4 belief that all vaccines are made in  
5 violation of God's word. I was baptized in  
6 the Catholic church and through my  
7 spirituality journey and religious beliefs, I  
8 am definitively against vaccinations based on  
9 a foundation of Catholicism, end quote.

10 A. But she didn't go on in this letter  
11 to say which vaccines they were.

SYKES DEPO

12 Q. Right. Well, my first question is:

13 Is it a foundation of Catholicism to be  
14 opposed to vaccinations, generally?

15 I phrased that in a negative way.

16 Let me put it another way.

17 A. Okay.

18 Q. I believe you testified earlier  
19 that to your understanding Catholics  
20 generally are not opposed to vaccination?

21 A. Correct.

22 Q. So to your mind, is this statement  
23 factually correct?

24 A. No.

25 Q. Is that something you consider?

1 JULIA SYKES

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2 A. Yes.

3 Q. It's not a game maker one way or  
4 the other, correct?

5 A. No.

6 Q. When you review everything that's  
7 in the record at the end of the day, aren't  
8 you in fact making a determination as to  
9 sincerity?

10 A. Yes, I guess so, yes.

11 Q. Do you know what the word  
12 methodology means technically?

13 A. No. What does it mean?

14 Q. That's not that significant to me.

15 You testified a bit about the three  
16 supplemental questions. If a parent said to

SYKES DEPO

17 you in one of the documents, I'm opposed to  
18 the Measles and Varicella vaccination but  
19 nothing else, what significance, if any, does  
20 that have to you?

21 A. They still have to explain why.

22 Q. Is it the inconsistency that  
23 troubles you?

24 A. Right. They have to say why.

25 MR. CARTER: I have nothing

1 JULIA SYKES 132

2 further.

3 (Whereupon, the deposition  
4 concluded at 1:20 p.m.)

5

6 \_\_\_\_\_  
7 JULIA SYKES

8

9

10 Signed and subscribed to before me,  
11 this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

12

13 \_\_\_\_\_  
14 Notary Public

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SYKES DEPO

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3        I N D E X   O F   W I T N E S S E S

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SYKES DEPO  
CERTIFICATE

4 STATE OF NEW YORK )  
5 COUNTY OF RICHMOND )

6

7 I, JENNIFER CASSELLA, a Notary Public  
8 within and for the State of New York, do  
9 hereby certify:

10 That JULIA SYKES, the witness whose  
11 deposition is hereinbefore set forth, was  
12 duly sworn by me and that such deposition is  
13 a true record of the testimony given by such  
14 witness.

15 I further certify that I am not  
16 related to any of the parties to this action  
17 by blood or marriage; and that I am in no way  
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 14th day of May 2014.

21

22

23

24

25

JENNIFER CASSELLA